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Human Trafficking and National Security - Policy Responses

Douglas V. Peterson

Eastern Illinois University

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Human Trafficking and National Security – Policy Responses

By

Douglas V. Peterson

THESIS

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Abstract

Human trafficking poses a threat to national security and undermines global order. Trafficking exploits sovereign borders and undermines state legitimacy by highlighting failures of governance. This thesis seeks to understand policy responses to human trafficking, which are essential to providing resilient national security while upholding human rights.

I conducted a mixed methods analysis to examine three levels of government response to trafficking: domestic, regional/international, and foreign domestic measures. I examined how the United States Senate develops anti-trafficking legislation, how human rights regimes are developing within the Association of Southeast Asian Nations (ASEAN), and how specific Southeast Asian nations have responded to the Department of State's annual Trafficking in Persons (TIP) Report.

I examined the 112th and 113th Congresses and find that both conservative and liberal Senators support trafficking legislation, but with discernable differences in emphasis. I applied Oran Young's framework for studying international regimes to examine ASEAN responses to human rights issues. I find surprisingly little hegemonic influence from either Indonesia or the United States, which correlates to China's concurrent hegemony in the South China Sea. I find that Trafficking in Persons TIP Tier ratings correlate with corruption, as well as the robustness of state human rights regimes, with several surprising caveats. Finally, findings indicate that democratic governance and growth in defense spending as a percentage of GDP are predictors of TIP Tier ratings.

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Human Trafficking and National Security: Policy Responses

Our fight against human trafficking is one of the great human rights causes of our time, and the United States will continue to lead it...it ought to concern every person, because it's a debasement of our common humanity. It ought to concern every community, because it tears at the social fabric. It ought to concern every business, because it distorts markets. I'm talking about the injustice, the outrage, of human trafficking, which must be called by its true name- modern slavery.

~ President Barack Obama, 25 September 2012

Transnational organized crime (TOC) is an abiding threat to US economic and national security interests...the growing reach of TOC networks is pushing them to form strategic alliances with state leaders and foreign intelligence service personnel...human smuggling and trafficking are TOC activities that are increasing due to globalization...TOC are moving into human trafficking because it is a lower risk, higher profit operation...Terrorists and insurgents will increasingly turn to crime and criminal networks for funding and logistics...Criminal connections and activities of both Hizballah and AQIM illustrate this trend.

~ James Clapper, Director of National Intelligence, 31 January 2012

Introduction

Human trafficking has become a global issue that strikes at the core of universal human rights, and stands diametrically opposed to American values of liberty and justice. Trafficking is also a threat to U.S. national security. Broad condemnation of trafficking is evident throughout government, from the United States president and Congress to nearly every national and international leader throughout the world, dating back to the 1990s and resulting in the groundbreaking passage of the Victims of Trafficking and Violence Protection Act of 2000 (TVPA-2000).¹ And yet we still have a limited understanding of the problem. Statistics are poorly supported, methods of collecting data are widely inconsistent, and measures of success in countering trafficking are mixed at best (DeStefano 2008; TIP 2013; Chouvy 2013). Many researchers point out that there are more slaves today than at any time in history, with recent estimates between 20 and 31 million enslaved human beings globally (Free The Slaves 2013).

Human trafficking is one of the top three most profitable illicit global activities, with estimated profits rivaling criminal trade in guns and drugs. Trafficking profits have been estimated at US \$31.6 billion per year (Besler 2005). One report from the International Organization for Migration (IOM) (Wheaton, Schauer, and Galli 2010) anticipates that trafficking could surpass drugs and guns as the most profitable criminal activity within the next decade. Chouvy (2013) expands on this rapidly growing prominence and cites multiple sources indicating human trafficking may soon become the most profitable, surpassing the illegal drug and gun economies. This trade in humans arguably becomes more attractive to terrorists (Giraldo and Trinkunas, 2007), considering the risk versus reward calculation. The

¹ Public Law No. 106-386, passed 28 October 2000, was the first substantive U.S. legislation addressing human trafficking. Chapter two will provide further discussion of United States federal laws on the subject of human trafficking.

United States Intelligence Community (IC) identifies transnational organized crime (TOC) as an emerging threat to national security (Clapper, 2012). The report directly links trafficking with TOC, anticipating use of existing trafficking networks to facilitate terrorist attempts to conduct attacks on the United States. President Obama's 2010 National Security Strategy declares, "The American people face no greater or more urgent danger than a terrorist attack with a nuclear weapon (p. 23)." Herein lays the nexus between trafficking and national security; the threat posed by human trafficking networks, transnational criminal organizations, and terrorist plots to conduct dramatic attacks against the United States, her allies or interests, especially with weapons of mass destruction.

Human trafficking is a global problem that spares no country. The U.S. State Department (DoS) began including the United States in their annual Trafficking in Persons (TIP) report in 2010, acknowledging that it is a "source, transit, and destination country for men, women, and children." Statistics have varied widely, but a Congressional Research Service (CRS) report stated, "as many as 17,500 people are believed to be trafficked to the United States each year (Wyler and Siskin 2010, 18)." Luis CdeBaca, Ambassador at Large and director of the U.S. State Department's Office to Monitor and Combat Trafficking in Persons said, "...over the last decade, cumulatively, the amount of money that the United States has spent on this [human trafficking] fight is about equal to a little less than a month of what we spend on the drug war (U.S. Congress 2011, 11)." These reports highlight vulnerabilities to national security through this convergence of human rights, economic incentives, and incongruities within security mechanisms. While senior government officials clearly identify the threat to national security posed by transnational organized criminal organizations and human trafficking networks, CdeBaca highlights the lack of attention and

funding human trafficking receives. This disparity between threat and response demands more research and government resources to counter human trafficking, from a national security perspective.

The vast majority of literature on human trafficking focuses on the human rights, economic, and social justice aspects of the issue (Bales and Soodalter 2009; DeStefano 2008; Rizer and Glaser 2011; Ban Ki-moon 2012). Recently, more analysis and some limited academic research identifies transnational criminal organizations as a rising factor in trafficking. Shelley (2010) extensively documents the role of TOC, to include significant regional variations in trafficking, which demands a varied and flexible approach to countering human trafficking. She documents examples of clear security threats, such as the use of these networks to smuggle essential persons or components necessary to conduct strategic terror attacks within the United States. The gravest concern is of a nuclear terror attack (Levi 2007; Obama 2010; Clapper 2012).

Miani (2011), Chouvy (2013), and Feingold (2013) survey trafficking in Southeast Asia, identifying the complexity of geographic, economic, ethnic, religious, and political issues which complicate enforcement and regional security. These studies also point to the lack of scholarship addressing trafficking, and the challenges of gathering reliable data. I argue that the threat of trafficking has not received sufficient attention or resources to address the security threat posed by these existing “rat lines.”² In an effort to analyze how different

² The concept of “rat lines” is important to understand, in order to fully conceptualize my thesis of human trafficking as a national security threat. The expression “rat line” refers to clandestine routes of travel; historic examples include the “underground railroad” of Harriet Tubman and networks that smuggled Jews and downed airmen from behind Nazi lines during World War Two. The term is used worldwide; in Indonesia and Malaysia, security forces, politicians, and even the media refer to “jalan tikus” and “lorong tikus;” literally, rat road/alley/corridor, or “rat lines,” where smugglers bypass official border controls. The term dates back to early maritime language, where a “ratline” was a rope, usually knotted, and used by sailors for climbing. The sailors found that rats used the ropes even more adeptly, and confounded attempts to eradicate the rat population aboard their vessels.

government entities are responding to this growing challenge, for this thesis I will use a model based upon Michael Levi's study, *On Nuclear Terrorism* (2007), who maintains that security challenges are best mitigated by incrementally improving multiple levels of security. In doing so, this thesis examines the American domestic response, an international assessment, and a study of foreign states' efforts to combat trafficking.

In the following chapters I will conduct a mixed methods analysis of available data to examine these three levels of governmental response to this critical security threat. More specifically, in chapter two I will focus on United States policy, with emphasis on Congress. Though much research exists on the Congressional role in shaping American foreign policy and its interest in human rights concerns (Avery and Forsythe 1979; McCormick and Mitchell 2007; Forsythe 2012), little research has focused on Congress's interest in human trafficking, beyond the human rights focus. Chapter three will study the role of the Association of Southeast Asian Nations (ASEAN), in their efforts to combat human trafficking. Analysts have given much attention to the role of regional and international organizations (IO) in human rights (Allred 2006; DeStefano 2009; Ban Ki-moon 2012), though similar to chapter two, few analysts have studied IO efforts to counter human trafficking from a security perspective. I will analyze ASEAN as a regional institution by adapting Young's (1982) framework for studying regime dynamics. In this chapter I will focus primarily on the 2011-2012 period that culminated in the passage of the ASEAN Human Rights Declaration (AHRD). The AHRD is the strongest regional human rights mechanism in Southeast Asia, and yet has been widely criticized for its lack of transparency, and caveats to commitments that many scholars assert undermine existing international human rights laws that ASEAN member states have previously committed to. Chapter four

will provide comparative analysis, looking at several Asian countries in their efforts to counter human trafficking. Specifically, this chapter examines Indonesia, the Philippines, and Thailand. These three countries are all founding members of ASEAN; each has demonstrated significant progress, and some regression, in combatting trafficking in the past 13 years (see Figure 4.1), which provides an opportunity to assess what factors correlate with those changes; Thailand and the Philippines are two of only seven United States treaty allies; all three have significant economic and strategic value to U.S. interests; finally, each has charted a unique path towards democracy, and provide opportunities to compare and contrast different policies and political approaches to the challenges of human trafficking.

In doing so, this thesis provides a multi-tiered analysis of human trafficking and an array of governmental entity responses to this growing security challenge.

Chapter 1: Literature Review

Human trafficking has gained attention in the United States since the 1990s, yet remains the purview of a limited group of scholars and policy makers. In contrast, “national security,” broadly defined, is more prominent historically, especially following the terrorist attacks on September 11, 2001. Academics and policymakers hotly dispute what threatens national security, and how best to address these threats, but most agree that terrorism remains a threat. To date, however, few have identified human trafficking as a national security threat. On the contrary, most scholars and policymakers focus on the human rights aspect of human trafficking. For purposes of this thesis, I will review literature focused on U.S. Congressional attention and legislation relating to trafficking and human rights, and literature addressing Southeast Asian approaches as well. Specifically, I will look at specific Southeast Asian states, as well as the Association of Southeast Asian Nations (ASEAN).

The security threat posed by human trafficking has been established, yet the correlation gains surprisingly little attention, beyond the context of immigration and border security (Hastings 2010; Rizer and Glaser 2011; Rosental 2013). Blessed with geopolitical advantages, the United States faces few existential threats (Friedman 2010; Grygiel 2011; Kaplan 2012). During the Cold War, nuclear war and the spread of communism were the primary existential threats (Allison 1969; Lieber and Press 2006; Rizer and Glaser 2011, 76; Kristensen and Norris 2013). Among the greatest threats to the United States in the post-Cold War era is nuclear terrorism and proliferation of weapons of mass destruction (WMD) (Levi 2007; Forstchen 2009; Obama 2010; Clapper 2012; Colluci 2013). The nuclear threat is often overlooked or downplayed (Tannewald 1999; Waltz 2012), while other scholars articulate the threat.

Mowatt-Larssen (2011) documents compelling evidence that core al-Qaeda continues to pursue a nuclear capability specifically to strike America. The annual National Intelligence Estimate, delivered to Congress on January 31, 2012 by James Clapper, the Director of National Intelligence, directly links the threat of human smuggling and trafficking networks being used by terrorist organizations to move WMD or the experts necessary to assemble and employ such weapons (Clapper 2012; 2013). The opportunity for terrorist exploitation which Mr. Clapper identifies, is the asymmetry between security efforts against the illicit international trade in drugs and guns, versus the relatively lower risk/higher profit margins currently associated with human trafficking.

Further illustrating why this disparity in risk exists, Siddharth Kara of the Harvard Kennedy School noted during an interview, “the U.S. government spends 350 times more money each year to combat drug trafficking than slavery (Kanani 2012).” He then points out

that the U.S. government spends more than any other country in the world, demonstrating just how few resources are applied globally toward the issues of human smuggling and trafficking.

Baker (2007) expresses concern that these very real challenges over nuclear terror and proliferation lead to perilous conditions for American values of due process and the rule of law, as government seeks to prevent such perpetual threats. This same concern was noted by President Obama in his 2010 National Security Strategy, when he stated, “The American people face no greater or more urgent danger than a terrorist attack with a nuclear weapon (Obama 2010).“

Rizer and Glaser (2011) analyze the connections between human trafficking and national security. The authors identify how human smuggling and trafficking breaches our national borders, provides illicit funding for violent extremist organizations and transnational organized criminal organizations. This article effectively clarifies the nexus between human rights and national security.

Terrorism and nuclear proliferation have gained a more prominent and sustained level of attention in recent years. Colluci (2013) suggests attention to more traditional forms of terrorism following 9/11 has inadvertently caused neglect of the nuclear terror threat, which he proposes is the greatest existential threat facing the United States. Rizer and Glaser (2011, 88, 94) link the threat of human trafficking and the threat of terrorist attacks with WMD. Howlett (2011) notes that nuclear and missile technology are widely diffused, creating significant challenges for counterproliferation as well as for counterterrorism. His focus is primarily on state proliferation, but expresses concern about the diffusion of nuclear and missile technology, and the transnational networks that can move these materials and

technology across borders. Allison (2004) acknowledges the threat of nuclear terrorism as a major, but preventable threat to the United States.

Levi (2007), a physicist and energy expert, provides a comprehensive study on the threat of nuclear terrorism targeting the United States, and finds the threat is complex and difficult to measure. He systematically analyzes the threat and recommends a broad systems approach to reduce the likelihood, vulnerability, and consequences of the threat, making incremental improvements in multiple aspects of defense, arguing that such a layered approach increases the likelihood of active threats to fail. In so doing, Levi sees a synergistic effect by making the risk rise in multiple phases of the terrorist cycle for each individual increase in defense. This approach addresses the nexus of human trafficking and national security, providing a model that could be adapted by multiple institutions with divergent purposes to produce greater security and protection of rights. For instance, when a terrorist group realizes the risk of compromise increases with improved intelligence and interdiction of the pursuit for fissionable material, they may be forced to work with fewer physicists, or work with less pure materials, which are easier to detect through technical means. By simply raising the bar for proliferation, we can eliminate all but the most determined and sophisticated terrorist organizations from ever actively attempting to mount a nuclear attack.

Levi further recommends a capabilities-based approach, which seeks to improve all aspects of security, as opposed to the more traditional threat-based approach, which tends to myopically orient defense toward a worst-case scenario, at the risk of neglecting threats which might appear less likely or less devastating. Levi's capabilities-based approach focuses deterrence and defense toward exploiting every conceivable vulnerability in the terrorist operations cycle. This would include actions such as improved detection and monitoring at

ports of entry, and improving training of all security personnel in low-tech ways, such as how to better identify suspicious or nervous behavior at the border, and how to identify a trafficking victim. The approach intends to improve the entire depth of defenses, because the threat is diffuse enough that it can easily bypass any one robust aspect of security, but it is less likely to succeed against a multi-layered defense, even if each phase of that defense is less than fool-proof.

Each individual aspect of this approach may have weaknesses, but Levi turns conventional wisdom on its head; the terrorist must be successful at every phase of his operation, while the national security community needs only to succeed at one of the terrorist's operational phases to deter, detect, disrupt or defeat his attempt. From this view, targeting human trafficking networks through intelligence and interdiction will increase the vulnerability of transnational criminal and terrorist organizations, thus improving national security.

The United States Intelligence Community (IC) identifies transnational organized crime (TOC) as an abiding threat to national security (Clapper 2012; 2013). Willetts (2011) observes that transnational actors and international organizations are raising the complexity for traditional states, and challenging their sovereignty as individual entities. This becomes evident in counterproliferation, as no one country can avoid all threats on its own. This is vital in terms of criminal activities conducted by transnational criminal organizations, as Willetts is concerned about the illicit trade in arms and drugs, and the increasing ease of trafficking in people. Ancillary activities, which support the trade in guns, drugs, and people, such as money laundering and document forging, will exacerbate existing conflicts, as well as directly support illicit trafficking and smuggling efforts. Baker (2007) observes that

distinctions between domestic and global threats are becoming less defined, in the face of transnational criminal organizations, further imperiling democratic liberties. In this manner, some scholars view this confluence of nuclear terror, transnational organized crime, and human trafficking as threatening the global system of state sovereignty, the Westphalian system.

Shelley (2010, 249) provides one of the more comprehensive analyses of the impact of human trafficking, documenting how Chinese traffickers subvert U.S. law, as well as the links between terrorists, trafficking, and instability in conflict states. She provides in-depth documentation of the role of transnational organized crime in human trafficking as one of the critical destabilizing factors for global economics, health, and security (Shelley 2010, chap. 3).

Ferguson (2005, 77) considers the threat of nuclear terror against major western targets as a direct threat to global stability, with clear implications for national security in this highly interdependent global economy. Forsythe (2012) acknowledges the challenges to the Westphalian system of international relations posed by non-governmental actors, and the destabilizing impact of human trafficking and the activities surrounding it. Scowcroft (2012) assesses that the traditional Westphalian system is under a “quiet assault,” citing nuclear weapons, corruption, transnational threats, and differing value systems in emerging powers such as China. In this broader context of global order, the confluence of human trafficking and broader security concerns comes into focus.

Current literature on human trafficking largely views this phenomenon as a human rights issue (Bales and Soodalter 2009; DeStefano 2008; Rizer and Glaser 2011; Ban Ki-

moon 2012). Some scholars cite human trafficking as a human security threat (Cohen 2010). Many scholars argue against associating trafficking with security, citing counterproductive government responses such as increased immigration controls and decreased protection for vulnerable populations. Few argue that trafficking is also a threat to national and regional security (Brown 2010; Galeotti 2010; Miani 2011). Each of the few scholars who do identify human trafficking as a threat to national security identifies the paucity of rigorous research into this relationship.

Security threats periodically arise as an aspect of human rights discussions. Ironically, most scholars explain perceptions of threats to national security as constraints on human rights, versus as impetus for improving security mechanisms in conjunction with addressing human rights (Brems 2003; Sharma 2005; Hebert 2012; Honna 2012). The majority of scholars opposed correlating human trafficking with national security, citing securitization as resulting in anti-immigration efforts and criminalization victims.

Sharma (2005) insists that anti-trafficking campaigns are manipulated by anti-immigration efforts to establish a nefarious policy system that is a de facto global apartheid. Sharma links this development of anti-trafficking campaigns to the historic White Slave Trade and finds that despite human rights rhetoric, the true purpose is control of migration (ibid 97, 105).

Migration, especially cross-border migration, is currently at an all-time high. During a panel discussion at the Council on Foreign Relations in October 2013, William Lacy Swing, the Director General of the United Nations International Organization for Migration, shared the following: Worldwide, the United Nations estimates there are approximately 232 million international migrants, and a similar number of internal migrants in China. The international

migrants alone, if aggregated, have a population nearly the size of Indonesia.³ These same migrants send home remittances of an estimated \$529 billion dollars a year, which is roughly the GDP of Saudi Arabia (Meissner 2013). These migratory patterns provide great opportunities as well as create massive vulnerabilities, especially for women and children (Feingold 2013; Kneebone and Debeljak 2012). The remittances alone are far greater than the entire international aid to the poor (Meissner 2013), and serve a valuable enabling role, allowing families and communities to provide for their own needs without dependency on government. On the other hand, the vulnerabilities for exploitation are oftentimes overwhelming, resulting in brutal exploitation and slavery conditions in such disparate environments as Saudi Arabia (Mietzner 2013; 41-42) and Chicago (Shelley 2010, 246-247).

Kneebone and Debeljak (2012, 266) express concern over the securitization of migration in the Greater Mekong Region, leading to states treating vulnerable and exploited people more as threats. They point to the lack of integrated migration policies in the region as contributing to greater vulnerability and the proliferation of transnational crime. Kneebone and Debeljak place emphasis on the protection of women and children as the primary concern, as well as the greater threat to security. Scholarship from within the region lends credence to these concerns; for example, Mohamed et al (2011) identify human trafficking as a threat to security and sovereignty, and classifying the phenomenon as a non-traditional threat. Non-traditional security is a central element of most modern security discussions in Southeast Asia.

Hebert (2012) views the Trafficking Victims Protection Act (TVPRA) and its subsequent reauthorizations as recasting victims of trafficking as transnational actors that are a threat to state security. Hebert is an example of a large body of scholars (Brems 2003;

³ Indonesia has the world's fourth largest population, according to CIA World Factbook

Sharma 2005; Rieger 2007; Brysk and Choi-Fitzpatrick 2012) who see the TVPRA and anti-trafficking efforts as misguided, misappropriated, or creating unintended consequences, interpreting the Bush Administration TVPRA legislation as “efforts to patrol women’s sexuality (Hebert 2012, 101).” Rieger (2007) documents the role of organized crime, corruption, and transnational criminal organizations, but criticizes Congress’s failure to fully empower women, versus criminalizing and securitizing the issue.

Though much research exists on the Congressional role in shaping American foreign policy and its interest in human rights concerns (Avery and Forsythe 1979; McCormick and Mitchell 2007; Forsythe 2012), little scholarly research has focused on Congress’s interest in human trafficking, beyond the human rights focus.

Avery and Forsythe (1979) conduct a quantitative analysis of how the U.S. Senate perceive linkages between human rights and national security, and found a strong negative correlation between the two; those members of Congress (MC) who strongly support national security concerns are less likely to vote for human rights bills. Kerwin and Stock (2007) conduct a survey of immigration policy in the context of national security and recommend that Congress conduct comprehensive immigration reform to better integrate a whole of government approach to immigration. Their recommendations include adopting a more expansive view of national security, to include economic security as it relates to immigration, as well as improving intelligence-gathering on terrorist travel methods by the immigration system.

Brysk and Choi-Fitzpatrick (2012) and Hebert (2012, 100) assess Congressional action as inadvertently victimizing trafficking victims, citing immigration reform focusing on massive increases in border patrol and further securitization of what they categorize as a

rights issue. Both studies approach the subject of human trafficking from the perspective of gender bias and exploitation, and cite any characterization of trafficking as a national security issue as further entrenching the problem.

Brems (2003, 96) notes that the European Court of Human Rights is more permissive in accepting a state's discretion regarding human rights when they present a valid security concern. Similar arguments are common in Asia, where many national leaders have appealed to internal security requirements (Honna 2012), Islamic law and customs, and differences between "western values" and "Asian values (Asplund 2009)." Donnelly (2011, 499) notes that the United Nations, Europe, and the west have developed capable multilateral human rights mechanisms, such as the European Court of Human Rights, while Asia has no established regional human rights mechanism, although he does acknowledge that the Association of Southeast Asian Nations (ASEAN) is tentatively moving towards establishing such a capability.

Scholars highlight the importance of Asia lacking an effective regional human rights organization (Wotipka and Tsutsui 2008, 731; Donnelly 2011), which becomes important when analyzing regional and national responses to human trafficking and national security. Majid expresses concern that regional institutions are deteriorating in Southeast Asia, in the context of a "strategic contest between China and the US in the region (Majid 2012, 81, 89)."

Corruption is a recurring theme in the literature of human trafficking, human rights, and national security, with many scholars citing corruption as a necessary condition for illicit activities to thrive. Poole-Robb and Bailey (2002) list corruption first among many dynamics contributing to organized crime, trafficking, and the clandestine cross-border movement of terrorists. Corruption is highly correlated with human trafficking (Bales 2006, 11), and good

governance that is responsive to human rights must achieve some level of transparency and accountability in its exercise of authority (Amador 2010, 609). Additionally, ASEAN has demonstrated remarkably little interest in establishing regional institutions with any power to compel compliance with policies. Several recurring themes emerge among scholars who find resistance to empowering ASEAN as a regional regime, such as sovereignty and non-interference, varied concepts of security and threats to stability, and the concept of Asian values and Islamic law, which places society before the individual (Poon 2001; Chau 2008; Linton 2008, 482; Jetschke 2011; Simon 2012).

Culture is an important consideration when analyzing human rights in Asia. “Human rights is fundamentally about ideas,” which in turn influence state behaviors (Forsythe and McMahon 2003, 311-312). “Human rights are essentially expressions of values (Hong 2000, 381).” Hong posits that Asians equally value human rights, but simply place emphasis on different rights, such as economic, physical, and health security.

In the context of Southeast Asia, scholars observe the distinct weakness of national and regional human rights institutions, and the cultural framing used by many leaders to justify this disparity between east and west (Forsythe 2000, 392; Maunati and Suribidari 2003; Levine 2007). Human rights regimes must become institutionalized at multiple levels of government before such rights will be realized at any significant level, moving beyond hard law to become established within society as norms, policies, and behaviors, or soft laws (Forsythe 2012, 14). In Southeast Asia, a common rebuff to advocates of greater human rights enforcement has been *Asian values* (Forsythe and McMahon 2003, 297; Asplund 2009; Ciorciari 2012, 700). ”

Yew cites Confucian values as a major factor resulting in differing application of human rights in Asia (Yew 2000, 490-491). Yew insists that the order achieved by these Confucian values is essential to successful emergence of a peaceful, successful, and economically advancing society, and must precede western democratic values, for a truly liberal democratic society to be realized (Yew 2000, 314). Zakaria (2002) disagrees on one finer point of this argument, stating that it was not Confucius, but Lee Kwan Yew, who was responsible for Singapore's success; order matters; economic liberalization before political, copying 19th century Europe (ibid, 39).

Rich analyzes the influence of the Chinese diaspora in Southeast Asia, citing examples of the Confucian concept of *junzi*, or the "superior, noble, cultured" person, "working for the common good (Rich 2013, 187)." Rich observes that Thailand has a similar Confucian concept, the *phudi* leadership style, that was prominent in the 1997 Thai Constitution and sought to establish a Senate of virtuous men who were above politics and hence, beyond corruption. Swanger (2014) supports these views, asserting that the Chinese Confucian worldview bears a powerful influence throughout the Asia Pacific. Swanger cited the estimation that approximately 70 percent of the economy in Asia is controlled by the Chinese diaspora.

Nasu finds the Asian values debate has diminished in frequency since the 1990s, while the rhetoric of the war on terror has become more common in justifying authoritarian and repressive government behavior (2011, 3). Kingsbury (2011) also rejects Asian values, finding varied rhetoric to alternately support human rights, or to justify repressive behavior. Linton (2008) finds ASEAN to lack any common standards in protecting human rights, but

posits that these reservations are more commonly justified based on specific domestic reasons, equating to shirking behavior.

Baik, on the other hand, finds that human rights regimes are indeed emerging throughout Asia (2012, 217). Baik examines 23 East Asian states to assess their emerging human rights systems, including all ten ASEAN member states. He finds that Asia is rapidly becoming regionally integrated, yet acknowledges that human rights are not yet sufficiently institutionalized. However, Baik identifies the emerging regional and sub-regional institutions as “incubators for broader social and cultural cooperation on human rights (2012, 297).”

Several scholars express concern regarding the influence of Islamic law, culture, and politics in terms of both security and human rights (Singh 2007; Liow 2011; Mowatt-Larssen 2011). Islam plays a significant role in Southeast Asia. One scholar specifies that Islam has relegated women to a secondary role, resulting in structural inequalities, although observing that non-Muslim women in Indonesia have experienced similar circumstances (Mietzner 2013, 37). Singh (2007) cites Southeast Asian links to transnational terrorist organizations such as al Qaeda, and recommends greater attention to countering the spread of extremist ideology. Mowatt-Larssen (2011) conducts a survey of recent Islamic opinions regarding nuclear weapons and nuclear terrorism, finding extensive evidence of support for extremist ideology and religious justification for the use of WMD. Mowatt-Larssen identifies the lack of research on the confluence of nuclear proliferation, terror, and religion (2011, 10).

Liow (2011) does not cite evidence of international terrorist groups in Southern Thailand, where the countries’ Muslim minority is concentrated and where a little known but brutal insurgency has raged for several decades between separatist Muslims and the

predominantly Buddhist government and military. Liow does document significant influence of transnational Islamic influences, resulting in “fragmentation of traditional authorities (Liow 2011, 1421),” that he finds central to the historic resilience of Muslims in Southern Thailand against global jihadi influences.

Horowitz, Poushter, and Barker (2011) report widespread distrust and misunderstandings between the western world and the broader Muslim world, which complicates application of regional and global efforts to cooperate on security and human rights issues. They report on a broad longitudinal public perceptions survey, spanning 14 countries and more than 10,000 survey respondents. The report identifies many worsening attitudes and perceptions since the terrorist attacks against the United States on September 11, 2001.

Liddle and Mujani (2009, 585) finds moderation in Indonesia’s political Islam, attributing this largely to President Suharto (1966-1998), noting that Indonesia’s greater concerns are with government incompetence and corruption (ibid 590).

Sovereignty and non-interference have been priorities in Southeast Asia since the end of World War Two (WWII), with the demise of colonialism. Forsythe (2012, 21) acknowledges the prevalence of the centuries-old Westphalian system, but dedicates significant attention to the growing role of non-governmental organizations (NGOs), as well as other for-profit private actors. Mohamad (2002) surveys the efforts of domestic civil society and international NGOs towards establishing a human rights regime in ASEAN, finding significant resistance due to strong commitments to national sovereignty. Additionally, Mohamad examines four national human rights institutions within ASEAN: Philippines, Indonesia, Thailand, and Malaysia. His conclusions are consistent; a human

rights regime is difficult to foster in the region because of the powerful national forces defending sovereignty and autonomy. Mohamad identifies the “modern nation-state” as the biggest obstacle to an ASEAN human rights regime (2002, 247).

Friedrichs (2012) describes this as an “Eastphalia” syndrome, although he does find that, despite slow progress and widespread criticism, ASEAN is the most important institution for maintaining regional security. Mietzner (2013) is more hopeful, finding strength and growing influence in Indonesian civil society groups, including many who have progressed from marginal influence in NGOs to operating within the government. This importance comes with some urgency, as many view East Asia as having fragile regimes, while facing multiple significant security challenges (Friedrichs 2012, 759).

Poon (2001) analyzes regionalism in ASEAN and the Asia Pacific Economic Cooperation (APEC), finding the institutional design has been structured to engage the global economy while rejecting supranational interference in domestic affairs. He documents appeals to *Asian values* and ASEAN’s tradition of noninterference, but also finds normative influences resulting from this increased regional and international interaction that is creating pressure on some of this shirking behavior.

Poon notes that the Philippines and Indonesia had already begun questioning the veracity of consensus-building norms (Poon 2001, 257). Poon concludes that this institutionalization of regional and international norms will place increasing pressure on ASEAN and APEC regimes to continue liberal reforms.

Chapter 2. Congressional Responses to Human Trafficking

On March 7, 2013, President Barack Obama signed into law the *Trafficking Victims Protection Reauthorization Act of 2013*. This Act marked the fourth reauthorization of Public Law 106-386, the *Victims of Trafficking and Violence Protection Act of 2000*, previously reauthorized in 2003, 2005, and 2008. These previous four bills had received near-unanimous bipartisan support in both chambers of Congress, with only two *nay* votes out of more than 2,000 cumulative votes cast during the 106th, 108th, 109th, and 110th Congresses. In the 112th Congress, this decade of legislative success ended.

Senator Patrick Leahy (D-VT) sponsored S.1301, the *Trafficking Victims Protection Reauthorization Act of 2011*, accumulating 15 Republicans amongst the bill's cosponsors. Despite such broad support in the past, and bipartisan cosponsorship from 56 senators in the 112th Congress, the bill was not reauthorized, which allowed appropriated funding and authorities designed to combat human trafficking to lapse for the first time in a decade. When the bill finally passed in 2013 as an amendment to Public Law 113-4, the *Violence Against Women Reauthorization Act of 2013*, the historic near-unanimity from previous TVPRA bills was gone. This case provides a unique opportunity to examine how anti-trafficking legislation is created. To better understand how human rights laws are created, I first examine which members of Congress are active on the issue of human trafficking. Who were the key actors on the issue of human trafficking during the 112th and 113th Congresses? I will then seek confirm the veracity of the following hypotheses:

Hypothesis 1: If members of Congress (MC) generally view human trafficking as a human rights issue (and not as a security issue), then liberals are more likely to support human trafficking bills than conservative MC.

Hypothesis 2: Members of Congress who emphasize women's rights, sexual exploitation, and the human rights aspect of human trafficking will oppose correlation of human trafficking with national security (or the securitization of trafficking legislation).

The 112th Congress demonstrated significant ideological polarization, in large part due to disagreements over tax and budget solutions to the 2008 financial crisis (Matthews 2013). Much of the perceived gridlock in recent years has been attributed to partisan political battles waged over national debt, economic stimulus, budget deficits, and taxation. While these issues amplified polarization in the United States, and partisan politics certainly influenced the failure of S.1301, these divisive factors also provide a unique opportunity to examine another significant motivation in the Senate: personal policy interests.

Scholars and political activists tend to view human trafficking primarily through the lens of human rights, or as a national security issue, as the review of previous literature indicated (Avery and Forsythe 1979; Brysk and Choi-Fitzpatrick 2012; and Hebert (2012, 100). This case study provides a unique opportunity to analyze policy preferences in the Senate; specifically, to assess whether senators during the 112th and 113th Congresses demonstrate an observable preference towards either national security, or human trafficking, or whether they appear to effectively accommodate both.

Method

In this chapter I analyze senators of the 112th and 113th Congresses, examining their legislative activity and language relating to human trafficking. I focus my study primarily on two bills and six senators. I initially searched the *Congressional Record* for human trafficking bills, amendments, and resolutions during the period of study, to identify which senators were most active on the issue of human trafficking. I utilized the Library of

Congress sites Thomas.gov, Congress.gov, as well as GovTrack.us, to identify relevant bills and Congressional activity. I then selected two senators each from this group who are viewed as either liberal or conservative stalwarts. To select senators who represent these ideological groups, I examined DW-Nominate scores, and scores from the American Conservative Union (ACU) and Americans for Democratic Action (ADA). I also identified two senators who tend towards the center of these same measures, who were also active in human trafficking legislation. I then analyzed selected content to examine policy motivations and preferences, examining the Congressional record and available public media and documents. See Table 2.1 below for list of senators selected for this case study.

Table 2.1 Selected Senators Active on Human Trafficking Legislation, 112th and 113th Congresses, and their ideological ratings

BILL	DW-NOMINATE 2012	DW-NOMINATE 2013	ADA 2013	ACU 2013	ACU Lifetime Score	Years in Senate 2013
LEAHY (D-VT)	13	18	100	4	6	39
BOXER (D-CA)	2	7	100	4	3	31
CORNYN (R-TX)	87	89	0	96	93	11
RUBIO (R-FL)	94	94	5	96	99	3
KIRK (R-IL)	59	61	40	44	57	12
COLLINS (R-ME)	56	58	50	28	48	17
ADA- Americans for Democratic Action						
ACU- American Conservative Union						

The Senators and their Legislation

The primary human trafficking bill I examine is S.1301, the *Trafficking Victims Protection Reauthorization Act of 2011* (hereafter referred to as TVPRA-2011). The bill, which originated in the 112th Congress, was sponsored by Patrick Leahy (D-VT), but died

during that Congress. The second bill, S.47, the *Violence Against Women Reauthorization Act of 2013* (hereafter referred to as the VAWRA-2013), was also sponsored by Leahy. The VAWRA-2013 is significant to this study because it was to this bill that Leahy attached the TVPRA as an amendment, to get both reauthorizations passed in 2013. This was an ironic turn of events; the VAWA originated in 1994, but had passed reauthorization in 2000 as *Division B* of the *Victims of Trafficking and Violence Protection Act of 2000*. In 2000, the VAWA reauthorization was attached to the new and broadly supported TVPA in part because the VAWA had just lost *United States v. Morrison*, a Supreme Court case that had struck down portions of the Act for exceeding Congressional authorities under the *Commerce Clause* and the *Fourteenth Amendment of the Constitution* (U.S. White House 2014). The VAWA had also failed reauthorization in 2011, just as had S.1301, the TVPRA. Hence, these two bills had a long history together.

LEAHY:

Patrick Leahy (D-VT) entered the U.S. Senate in 1975, making him the most senior serving senator at the time of this study. Leahy has a long history of human rights legislation, to include the influential “Leahy Law,” introduced in 1997, which requires the Department of State and the Department of Defense to conduct human rights vetting for foreign military or security personnel and their units, prior to receiving training, equipment, or other types of assistance funded by the United States government. Leahy views human rights as central to his reputation as a member of Congress, based on his Senate biography, which emphasizes his work on human rights issues, ranging from opposition to landmines to relief for war victims (Leahy 2014). Leahy sponsored the most prominent human trafficking legislation during the period of study, and as chair of the Senate Committee on the Judiciary, was in

position to shepherd the bill through Congress. Despite this crucial role in advancing human rights legislation, he was not the most prolific sponsor of human trafficking legislation during the 113th Congress.

CORNYN:

Senator John Cornyn (R-TX) was the most prolific senator of legislation targeting human trafficking during the 113th Congress, sponsoring six bills. Several other senators sponsored as many as two trafficking bills, but none sponsored as many as Cornyn, or gathered nearly as many cosponsors for their bills. Cornyn entered the Senate in 2002, having previously served in Texas as a state supreme court justice, and as the state attorney general. Cornyn demonstrated his interest in combatting human trafficking in 2004, when he introduced Senate Resolution 414 (S.Res.414), *A resolution encouraging States to consider adopting comprehensive legislation to combat human trafficking and slavery and recognizing the many efforts made to combat human trafficking and slavery*, with three democratic cosponsors. The resolution achieved a unanimous vote. Cornyn has cosponsored multiple bipartisan human trafficking bills, including Senator Joseph Biden's (D-DE) *Violence Against Women Act of 2005*, Senator Diane Feinstein's (D-CA) S.Con.Res.40, *Supporting the goals and ideals of observing the National Day of Human Trafficking Awareness on January 11 of each year to raise awareness of and opposition to human trafficking*, in 2007, and again cosponsored Feinstein's Congressional resolution when she reintroduced it in 2009. Cornyn was the original cosponsor of S. 2925 (111th): *Domestic Minor Sex Trafficking Deterrence and Victims Support Act of 2010*, with Ron Wyden (D-OR), and again in 2011, when the bill was reintroduced. Based on frequent association of human trafficking with liberal political ideology, Cornyn was the first surprise of this case study.

Table 2.2 Recent Human Trafficking and National Security Bills Sponsored by Senator Cornyn (R-TX)

BILL	TITLE	cosponsors
S.178 (114 th)	Justice for Victims of Trafficking Act of 2015	34 (13-D, 21-R)
S.413(113 th)	Human Trafficking Reporting Act of 2013	7 (4-D, 3-R)
S.1354(113 th)	End Sex Trafficking Act of 2013	1 (1-D)
S.1738 (113 th)	Justice for Victims of Trafficking Act of 2013	27 (12-D, 15-R)
S.2611 (113 th)	Helping Unaccompanied Minors and Alleviating National Emergency Act	11 (11-R)
S.2743 (113 th)	Protecting Children and America's Homeland Act of 2014	10 (10-R)
S.2773 (113 th)	Protecting Children and America's Homeland Act of 2014	2 (2-R)
S.Res.414 (108 th)	A resolution encouraging States to consider adopting comprehensive legislation to combat human trafficking and slavery and recognizing the many efforts made to combat human trafficking and slavery.	4 (3-D, 1-R)
S.1387 (108 th)	Border Security and Immigration Reform Act of 2003	1-R
S.1028 (112 th)	Foreign-Held Debt Transparency and Threat Assessment Act	1-R
S.Res.494 (112 th)	A resolution condemning the Government of the Russian Federation for providing weapons to the regime of President Bashar al-Assad of Syria.	15 (6-D, 9-R)

BOXER:

Senator Barbara Boxer (D-CA) was active on human trafficking during the 112th and 113th Congresses. Boxer sponsored S.121 during the 113th Congress, *a bill to Establish the United States Advisory Council on Human Trafficking to review Federal Government policy on human trafficking*, which would have established a non-governmental advisory board. The bill was referred to committee with no cosponsors, and died in Congress. Boxer sponsored previous anti-trafficking legislation, including S.185, the *Child Protection Compact Act of 2011*, which had died during the 112th Congress. Boxer's similar bill, S.1384, also died in the 111th Congress, but she later saw core provisions of this bill included in S.47, Leahy's *Violence Against Women Reauthorization Act of 2013*, the same law that included the *Trafficking Victims Protection Reauthorization Act*. These bills indicate the level of support

Boxer has given to trafficking legislation, although further analysis indicates a slightly different focus.

Boxer ranks among the top ten senators for gaining passage of her bills in recent years. While this is partly a function of serving more than two decades in the Senate, it also reflects on several other factors. A review of these bills, and related trafficking bills she cosponsored or was active on, reveals a consistency in advocating for women and children, with heavy emphasis on the more shocking aspects of exploitation. For example, S.3184, the *Child Protection Compact Act of 2010*, during the 111th Congress, cites United Nations Children's Fund (UNICEF) estimates that more than 150 million children age 14 and younger experience severe forms of child labor, and the International Labor Organization (ILO) estimate that nearly two million children are exploited for pornography or sex every year. Boxer sponsored S.2307 during the 113th Congress, the *International Violence Against Women Act of 2014*, which references Congressional findings that "an estimated 1 out of every 3 women throughout the world will be beaten, coerced into sex, or otherwise abused in her lifetime," along with additional statistics emphasizing exploitation and abuse of women and girls. A survey of Boxer's committee debate and public statements reveals her consistent and passionate advocacy for women and children.

It is not surprising to find that the majority of Boxer's bill sponsorship and cosponsorship focus on human rights issues, with emphasis on women and children's health. Avery and Forsythe (1979) find a strong and negative correlation between a senator's national security orientation and their likelihood of voting for human rights bills. Based on these findings, one might expect Boxer to be less active on national security legislation.

Table 2.3 Recent Human Trafficking and National Security Bills Sponsored by Senator Boxer (D-CA)

BILL	TITLE: Bills sponsored by Boxer	cosponsors
S.713 (114 th)	International Violence Against Women Act of 2015	10 (2-R, 7-D, 1-I)
S.121 (113 th)	a bill to Establish the United States Advisory Council on Human Trafficking to review Federal Government policy on human trafficking	none
S.2307 (113 th)	International Violence Against Women Act of 2014	30 (2-R, 27-D, 1-I)
S.185 (112 th)	Child Protection Compact Act of 2011	8 (3-R, 5-D)
S.3477 (112 th)	Women, Peace, and Security Act of 2012	13 (3-R, 10-D)
S.3184 (111 th)	Child Protection Compact Act of 2010	27 (6-R, 21-D)
S.2673 (113 th)	United States-Israel Strategic Partnership Act of 2014	80 (32-R, 47-D, 1-I)
S.2703 (113 th)	Military SAFE Standards Act	2 (1-R, 1-D)
S.2165 (112 th)	United States-Israel Enhanced Security Cooperation Act of 2012	72 (35-R, 36-D, 1-I)

Boxer's committee assignments include the Senate Foreign Relations Committee, and a cursory look indicates she sponsored or cosponsored quite a few bills on defense and national security. A closer look indicates many of these bills focus on health issues, and issues affecting women and children; essentially, human security issues. For example, a search for national security bills on the Thomas.gov web site resulted in Boxer's S.2703 (113th), the *Military SAFE Standards Act*. This bill would mandate requirements for the Departments of Defense and Homeland Security to establish, train, and empower sexual assault forensic examiners (SAFE). While S.2703 would have a long-term indirect impact on national security, the bill illustrates Boxer's emphasis on women's rights, even in the context of national security and defense-related legislation.

While this study does not replicate the quantitative analysis of Avery and Forsythe, the selected senators will provide case studies to examine the correlation between policy preferences of both national security and human trafficking, as a proxy for the broader category of human rights.

RUBIO:

Senator Marco Rubio (R-FL) is the youngest senator studied in this chapter, having entered the United States Senate in 2011. Rubio sponsored S.1823, the *Strengthening the Child Welfare Response to Human Trafficking Act of 2013*, during the 113th Congress, as well as cosponsoring S.413, Cornyn's *Human Trafficking Reporting Act of 2013*, and Senator Richard Blumenthal's S.2234, the *End Trafficking in Government Contracting Act of 2012*, during the 112th Congress. Rubio was active on multiple national security bills, as well, including several sponsored by liberal senators, such as Senator Robert Menendez's (D-NJ) S.298, the *North Korea Nonproliferation and Accountability Act of 2013*, Senator Jeanne Shaheen's (D-NH) S.2329, the *Hezbollah International Financing Prevention Act of 2014*. One final bill on which Rubio was active during the 113th Congress was Senator Chuck Schumer's (D-NY) S.744, the *Border Security, Economic Opportunity, and Immigration Modernization Act*. Rubio served as one of the "gang of eight" select senators charged with negotiating this controversial bill. S.744 passed the Senate on June 27, 2013, but was not voted in the House. This omnibus bill contains 1,198 pages, and addresses multiple aspects of immigration and border security, to include human smuggling and trafficking, but the bill continues to spark broad debate about national security. Rubio directly links human rights and national security in a public commentary on the passage of the TVPRA; "We also cannot ignore the human trafficking tragedy that takes place along our Southern Border, which is why fixing our immigration system and implementing stronger border security measures are key to combating the human trafficking operations that have led to so much death and suffering (Rubio 2013)."

Rubio scored among the top ten most conservative senators by DW-Nominate in 2012 and 2013, and among the most conservative according to both the American Conservative Union (ACU) and Americans for Democratic Action (ADA). Nevertheless, Rubio cosponsored many bipartisan bills during the 112th and 113th Congresses, to include multiple human trafficking and human rights bills. Rubio rounds out this study as the fourth ideological senator.

This chapter will also observe relevant activity from two senators who are ideologically more centrist, and have been active on human trafficking legislation.

COLLINS / KIRK:

Senator Susan Collins (R-ME) cosponsored both S.1301 and S.47, the two Leahy bills under study, as well as S.1738, Cornyn's *Justice for Victims of Trafficking Act of 2013*, and S.2307, Boxer's *International Violence Against Women Act of 2014*. Collins, who joined the United States Senate in 1997, ranked 58th on DW-Nominate scores for the 113th Congress, yet holds a 31% lifetime ACU rating, and was listed by the ACU as the least conservative Republican senator of the 113th Congress. Senator Mark Kirk (R-IL) ranked 61st on DW-NOMINATE scores, while holding a 57% lifetime ACU score, based on 12 years of Congressional activity. Kirk cosponsored Leahy's S.1301 and S.47, as well as joining Collins as the only other Republican to cosponsor Boxer's S.2307, along with 27 Democratic and one Independent senator. Kirk also cosponsored S.2941 during the 113th Congress, the *Combat Human Trafficking Act of 2014*, which was introduced by Senator Diane Feinstein (D-CA) only weeks before the 113th Congress retired. Kirk again cosponsored the bill, along with Cornyn, when Feinstein introduced the same bill as S.140, in the opening weeks of the 114th Congress. While Kirk has not sponsored many bills targeting human trafficking, he did

introduce S.2767 during the 113th Congress, the *Combating Fraudulent Child Transfers Act*, and several bills and resolutions directly focused on human rights in Iran and North Korea. Kirk, who joined the United States Senate in 2010, ranked 61st on DW-Nominate scores for the 113th Congress. Kirk established the Senate Human Rights Caucus, along with Senator Chris Coons (D-DE), in September 2014.

These two moderate Republican senators have been active on the issue of human trafficking, and more broadly on human rights issues.

Analysis and Findings

While she has been active on human trafficking, Collins has also been at the center of significant national security legislation. In 2004, Collins sponsored S.2845, the *Intelligence Reform and Terrorism Prevention Act* (P.Law 108.458), which became Public Law 108-458 less than three months later. P.Law 108-458 identified human trafficking as a threat to national security, and served as a Congressional forcing function to direct the executive branch to better integrate its various directorates. This law codified the Office of the Director of National Intelligence (DNI), as well as the National Counterterrorism Center (NCTC), and resulted from executive and legislative activity immediately following the release of the *9/11 Commission Report* (Zelikow, Jenkins and May 2004).

In section 7201 of P.Law 108-458, *Counterterrorist Travel Intelligence*, Congress finds that “travel documents are as important to terrorists as weapons,” and directs the NCTC to establish a strategy to coordinate interagency efforts to better understand vulnerabilities to the United States that can be exploited by terrorists, as well as human smugglers and traffickers, and transnational criminal organizations. Section 7202 codified the establishment of the Human Smuggling and Trafficking Center, and directed the center to provide direct

support to the NCTC. Section 7202 made mandatory the interagency office and team that had originally been announced in December 2000 (DeStefano 2008, 51, 128-141). Section 7202 mandated specific actions from multiple executive agencies, creating the institutional framework for effective task organization, as well as far greater sharing and collating of information. This public law serves as an excellent example of Congress performing a forcing function, which is clearly documented in the HSTC report. This report, “Establishment of the Human Smuggling and Trafficking Center: a Report to Congress,” dated 16 June 2005, “as required by Section 7202(d) of the ‘*Intelligence Reform and Terrorism Prevention Act of 2004*,’” identified “significant progress” integrating intelligence and information systems across multiple agencies, and further clarified that much work remained to be done.

Collins served as the chairman of the Senate Homeland Security and Governmental Affairs Committee, and co-authored P.Law 108-458 with Senator Joe Lieberman (D-CT), placing her at the heart of legislative debates regarding national security. Collins was actively involved in national security debates, and yet remained active in human rights legislation, as well; she cosponsored fourteen pieces of human rights legislation during the 108th Congress.

Despite his prolific legislative activity focused on combatting human trafficking, Cornyn voted against favorably presenting S.1301 (TVPRA-2011) to the Senate, as amended. Cornyn and Kyl provided minority views in Senate Report 112-96, reported from the Committee on the Judiciary, which was chaired by Leahy during the 112th Congress. In their dissent, Cornyn and Kyl expressed the view that sex trafficking of children should be a top government priority, but indicated the bill provided “inadequate funding, protections, and law enforcement tools to manage this challenge (Senate Report 112-96, 2011, 32).” Cornyn

and Kyl proposed an amendment to S.1301 to add in its entirety the language of S.596, the *Domestic Minor Sex Trafficking Deterrence and Victims Support Act*, which would have provided increased block fund grants to state and local governments, as well as increase law enforcement training and funding, for those investigating and prosecuting sex offenses against children. The Cornyn/Kyl Amendment was rejected by the Judiciary Committee, with a roll call vote of 7 Yeas and 11 Nays, voted along party lines, except for Senator Chuck Grassley (R-IA). The committee then voted to report S.1301 favorably to the Senate, by a vote of 12 Yeas and 6 Nays, again along party lines, excepting Grassley and Senator Orrin Hatch (R-UT).

This committee debate is interesting in that it did not divide based on budget and deficit ideological lines, while it did divide along party lines; Senator Grassley (R-IA) was the only Republican to vote Yea on the committee support. The Senate report notes that Grassley, who was then the ranking member of the Senate Committee on the Judiciary, had worked with Leahy to ensure concerns with the TVPRA's grant programs had been addressed. This split leaves the question of whether the TVPRA-2011 was partisan in its nature, but a review of proposed amendments indicates a more nuanced assessment.

A previous version of the *Domestic Minor Sex Trafficking Deterrence and Victims Support Act*, the bill Cornyn and Kyl proposed including in the TVPRA-2011, had passed both chambers of the 111th Congress, but had not been reconciled, and had subsequently died in that Congress. Both S.2925 and S.596 had been sponsored by Ron Wyden (D-OR), with strong Democrat Party support. Cornyn was the only Republican senator to cosponsor both bills. During committee debate on S.1301, Cornyn and Kyl were actually proposing an increase to the appropriated funds for S.1301, purporting to further strengthen Leahy's bill,

by resurrecting Wyden's bill. Again, Cornyn provides an example of an ideologically conservative and partisan politician actively advocating human rights legislation, to include bills sponsored by liberal stalwarts, despite evidence of historic polarization in Congress (McCarty 2014; Matthews 2014; Dimock et al 2014).

Senators proposed six amendments to S.47, Leahy's *Violence Against Women Reauthorization Act*, which indicate some variance to the partisan divide during the 113th Congress. Two of the amendments received near-unanimous support, with Senator Ron Portman (R-OH) garnering 100 supporting votes for his amendment *To clarify that child victims of sex trafficking are eligible to receive assistance under grants provided to enhance the safety of youth and children*. Leahy's amendment, S.Amdt.21, to authorize appropriations for the TVPRA for fiscal years 2014-2017, received 93 affirmative votes, with only five Republicans voting nay, and two senators not voting; John McCain (R-AZ), and Kirsten Gillibrand (D-NY). While Democrats remained unified throughout voting on S.47, the Republican vote broke down further with the remaining four amendments. All four of these amendments were proposed by Republican senators, and each was rejected.

Senator Tom Coburn (R-OK) proposed three amendments to S.47, while Grassley proposed one. Coburn's S.Amdt.13, *To reaffirm the inalienable rights of every American citizen guaranteed by the Constitution...*, sought to remove a provision of the VAWRA that would have allowed tribal courts jurisdiction over non-tribal U.S. citizens. Coburn stated during testimony before the Senate that many tribal courts do not allow for appeals to state and federal courts, and that some tribal courts have held that they are not subject to certain U.S. Constitutional Amendments, or certain elements of the Bill of Rights. All Democratic

Party senators rejected this amendment, as did four Republican Party senators, to include Collins and Kirk. Furthermore, ten additional Republican senators chose not to vote.

Coburn's second amendment, S.Amdt.15, *To more quickly resolve rape cases and reduce the deficit by consolidating unnecessary duplication...*, claimed to increase law enforcement and investigative efficiency while cutting costs by reducing wasteful duplication of efforts across the federal government. Critics, including Leahy, expressed concern that the amendment would strip funding from other justice priorities, in effect diminishing protections for vulnerable populations that the bill sought to shore up. The amendment was accepted by all Republican Party senators, and rejected by nearly all Democratic Party senators, with the exception of two; Claire McCaskill (D-MO), and Joe Manchin (D-WV), supported this amendment. The amendment failed by a vote of 46-53.

Coburn's third amendment was S.Amdt.16, sought to require more speedy notification of victims of rape to their potential exposure to HIV/AIDS, by allowing for testing of assailants, and by providing treatment to those at risk of disease due to rape. The vote again followed party lines, with only two Democrats voting for the amendment, and four Republicans rejecting it. Again, two of the Republican senators who broke with their party were Collins and Kirk.

Grassley submitted S.Amdt.14, In the nature of a substitute, which would have removed language from the reauthorization bill that specifically named lesbian, gay, bisexual, and transgendered (LGBT) individuals as a special or separate group. During Senate debate, Grassley expressed support for the bill, while highlighting several areas of specific concern. Specifically, Grassley stated that the bill would raise revenues, and hence violated the Constitution's origination clause. Grassley also alluded to "more controversial"

measures, again describing these as unconstitutional, for “...excluding various groups from protection under the law. You know why? Because current law protects all victims (C-SPAN 2013).” Grassley dedicated much of his floor time to addressing concerns about sovereignty and jurisdiction concerns vis-à-vis Indian tribal courts, the same issue more thoroughly addressed by Coburn.

This amendment elicited the greatest break from party lines, with Democrats unified, but ten Republicans joining Democrats in rejecting this amendment. Collins and Kirk again crossed party lines, consistent with their more moderate ideological ratings, but several conservative stalwarts also rejected the amendment, to include Rubio, but also Rand Paul (R-KY) and Ted Cruz (R-TX), who both topped the 2013 DW-NOMINATE list with scores of 100, and were both rated 100 percent lifetime scores by the ACU, in their 2015 ratings.

Analysis of the *Violence Against Women Reauthorization Act of 2013*, associated amendments proposed for S.47, and debates and roll call votes, reveals some of the issues which contributed to partisan polarization, as well as the issues which caused MC to break from their party. Collins and Kirk repeatedly voted contrary to their party, consistent with their more moderate ideological ratings. Analysis of Collins’ floor debate supports the hypothesis that more liberal MC would vote for human rights legislation. Collins cited data from law enforcement officials when she identified concerns about domestic violence and drugs as the greatest reasons for her support for the VAWRA. She specifically rejected the idea that this is a partisan issue, and lauded workers in the public sector, such as law enforcement, educators, and health care workers, in addressing violence against women.

During floor debate in February 2013, when S.47 and the various amendments were being debated and voted in the Senate, I found no references of Collins or Kirk focusing on

the *Trafficking Victims Protection Reauthorization Act*, which was passed as part of the VAWRA. On the other hand, Rubio utilized his floor time to talk exclusively of the TVPRA, advocating the importance of combatting not just sex trafficking, but also labor trafficking. Rubio stated that the United States lacks awareness of the problem, but that the nation also stands as an example globally for confronting trafficking in persons.

What About National Security?

I found no direct legislative discussion identifying either bill, the VAWRA or the TVPRA, as national security issues. This study does support the hypothesis that liberal MC are more likely to support human trafficking bills than conservative, but also indicates that the opposite is not necessarily true. Several of the most active senators during the 112th and 113th Congresses on the issue of human trafficking were among the most conservative ideologically, with Cornyn serving as the most prominent example. But is the opposite true? I did find conservative Senators focused more on security issues, while liberal Senators emphasized women's rights and human rights aspects of legislation, but I also found liberal Senators to be active in sponsoring and cosponsoring national security bills. Table 2.4 lists a sampling of bills introduced during the 113th Congress that emerged during my research. Upon reviewing these findings, I revised Table 2.1, which listed the Senators I focused my human trafficking case study on, and added more of the senators who emerged as active in national security legislation, to further analyze the ideological spectrum covered by active Senators in both spheres. See Table 2.5 for updated list of Senators and their ideological scores.

Table 2.4 Sampling of National Security Bills, 113th Congress

BILL	TITLE	SPONSOR	COSPONSORS
S.744	Border Security, Economic Opportunity, and Immigration Modernization Act	Schumer (D-NY)	7 (4-R, 3-D)
S.1535	Justice Against Sponsors of Terrorism Act	Schumer (D-NY)	15 (7-R, 8-D)
S.1881	Nuclear Weapon Free Iran Act of 2013	Menendez (D-NJ)	59 (43-R, 16-D)
S.298	North Korea Nonproliferation and Accountability Act of 2013	Menendez (D-NJ)	9 (3-R, 6-D)
S.1885	Burma Human Rights and Democracy Act of 2013	Menendez (D-NJ)	4 (3-R, 1-D)
S.1681	Intelligence Authorization Act of 2014	Feinstein (D-CA)	none
S.2329	Hezbollah International Financing Prevention Act of 2014	Shaheen (D-NH)	57 (31-R, 26-D)
S.2673	United States-Israel Strategic Partnership Act of 2014	Boxer (D-CA)	80 (32-R, 47-D, 1-I)
S.2703	Military SAFE Standards Act	Boxer (D-CA)	2 (1-R, 1-D)
S.1917	Victims Protection Act of 2014	McCaskill (D-MO)	3-R
S.2277	Russian Aggression Prevention Act 2014	Corker (R-TN)	26-R
S.2463	Keep Our Communities Safe Act of 2014	Inhofe (R-OK)	5-R
S.2561	Human Smuggling Prevention Act of 2014	McCain (R-AZ)	1-R
S.2869	Counterterrorism Border Security Enhancement Act	Coats (R-IN)	none

While this study focused primarily on human trafficking legislation, I conducted a limited survey of national security bills introduced in the Senate during the 112th and 113th Congresses. Liberal Senators sponsored ten of the fourteen bills surveyed, and garnered substantial numbers of cosponsors, frequently with bipartisan support. Several surprises emerged, which challenge assumptions that conservatives are focused on defense, while liberals are focused on human rights. Several of the more active Senators on the issue of national security were Menendez and Schumer, while Feinstein was an active leader, serving as the Chairman of the Senate Select Committee on Intelligence. These findings require a more thorough quantitative and qualitative analysis, but do present a different picture from what I anticipated, based on my review of literature.

As noted previously, Boxer focused extensively on women's rights and sexual exploitation, both when debating trafficking bills, and on national security legislation. On the other hand, Boxer sponsored two significant national security bills, S.2673, the *United States-Israel Strategic Partnership Act of 2014*, and S.2165, the *United States-Israel Enhanced Security Cooperation Act of 2012* (see Table 2.3), both of which achieved broad bipartisan cosponsorship in the Senate and were signed by the President, after unanimous votes in both chambers of Congress. Boxer, along with the moderates Kirk and Collins, cosponsored Shaheen's S.2329, the *Hezbollah International Financing Prevention Act of 2014*, along with 29 other Republican senators. These serve as prominent examples of bipartisan cooperation in both spheres of national security, and human trafficking. Nevertheless, ideological differences remain.

McCaskill's S.1917, the *Victims Protection Act of 2014*, similar to Boxer's *Military SAFE Standards Act*, while meeting search criteria in Thomas.gov as national security and homeland security legislation, sought to enhance sexual assault prevention and response mechanisms in the military. Both bills indicate a policy preference of their sponsors, but here again, further analysis reveals a more nuanced picture than assumptions of a highly polarized 113th Congress would indicate. McCaskill's bill gained three cosponsors, all Republicans, to include Cornyn. McCaskill was one of only two Democrats to support Coburn's S.Amdt.15, *To more quickly resolve rape cases and reduce the deficit by consolidating unnecessary duplication*.

Table 2.5 Selected Senators active on National Security and Human Trafficking Legislation, 112th and 113th Congresses, and their ideological scores

Senator	DW- NOMINATE 2012	DW- NOMINATE 2013	ADA 2013	ACU 2013	ACU Lifetime Score	Years in Senate 2013
MENENDEZ (D-NJ)	17	21	95	4	8	21
SCHUMER (D-NY)	21	25	95	4	5	33
FEINSTEIN (D-CA)	36	39	100	4	8	21
SHAHEEN (D-NH)	33	36	90	8	5	5
LEAHY (D-VT)	13	18	100	4	6	39
BOXER (D-CA)	2	7	100	4	3	31
CORNBY (R-TX)	87	89	0	96	93	11
RUBIO (R-FL)	94	94	5	96	99	3
KIRK (R-IL)	59	61	40	44	57	12
COLLINS (R-ME)	56	58	50	28	48	17
ADA- Americans for Democratic Action						
ACU- American Conservative Union						

This study has identified the value of case studies, as well as the limitations of purely qualitative analysis. Only six members of the Senate were examined, and in a limited capacity. While beyond the scope of this study, a quantitative analysis of the same Congresses will provide a longitudinal analysis of Congressional policy preference. I hope to adapt Avery and Forsythe's 1979 study, "Human Rights, National Security, and the U.S. Senate: Who Votes For What, and Why." Human trafficking provides a unique focal point for analyzing human rights, and the United States intelligence community has recently emphasized the correlation between human trafficking and national security, making this a timely and valuable opportunity to build on the existing body of work. Our nation stands to gain by better understanding how we create effective policy to advance our national values, while maintaining a vibrant and safe nation.

Summary and Conclusion

Based on my review of literature, I developed the following hypothesis:

Hypothesis 1: If members of Congress (MC) view human trafficking as a human rights issue (and not as a security issue), then liberals are more likely to support human trafficking bills than conservative MC.

This case study finds Senators across the liberal-conservative spectrum who are active on the issue of human trafficking, as measured by bill sponsorship and cosponsorship. Further content analysis confirms that conservatives, liberals, and moderates alike describe trafficking in human rights terms, but Cornyn proved to be the most active in sponsoring trafficking bills during the period of study. While I found little evidence of Senators defining human trafficking primarily as a national security threat, the Senators along the liberal spectrum demonstrate more consistent emphasis on human rights and civil liberties, while the conservative Senators tended to associate trafficking with border security and national security more frequently.

Hypothesis 2: Members of Congress who emphasize women's rights, sexual exploitation, and the human rights aspect of human trafficking will oppose correlation of human trafficking with national security (or the securitization of trafficking legislation)

This study did find a qualitative difference, with liberal senators expounding more extensively on women's rights. On the other hand, the conservative Cornyn sponsored more bills focused on human trafficking than did any two liberal senators combined, during the period of study (see Table 2.2). Additionally, liberal senators sponsored significant national security legislation, and achieved success in garnering bipartisan support for those bills.

These findings indicate a more nuanced view of policy preference than Avery and Forsythe found, and more cooperation than anticipated, based on recent analysis identifying the 112th and 113th Congresses as the most polarized ever (Matthews 2013; McCarty 2014).

It is possible that the definition of a conservative has changed, certainly since Avery and Forsythe's 1979 study, which demonstrated that the labels of conservative or liberal were powerful indicators of who was more or less likely to support human rights legislation. Another possibility is that perceptions of national security threats have changed significantly in the past decade, as compared to the 1970's, when Avery and Forsythe conducted their research. The field of research will benefit from additional analysis to compare direct shifts in longitudinal data, as well as qualitative differences, which might highlight changes in threat perceptions, as well as changes within the legislature.

Chapter 3:

The ASEAN Human Rights Declaration and Human Trafficking:

Rhetoric or Real Protection?

Southeast Asia is a diverse region packed with many contradictions and nuance, perhaps best reflected in the Association of Southeast Asian Nations (ASEAN). ASEAN plays a central role as the dominant regional institution in Southeast Asia (Lin 2010). On November 19, 2012, ASEAN adopted the ASEAN Human Rights Declaration (AHRD), including Article 13, which declares "No person shall be held in servitude or slavery in any of its forms, or be subject to human smuggling or trafficking in persons, including for the purposes of trafficking in human organs (ASEAN 2012)." The AHRD contains much of the liberal language of the 1948 Universal Declaration of Human Rights (UDHR), which is ostensibly a major normative development in a region known for human rights abuses (Linton 2008; Asplund 2009; ETAN 2014). Yet, since being formed in 1967, ASEAN has remained committed to the principles of state sovereignty and non-interference in the domestic affairs of other states. Consensus building has been, and remains, a central principle

to ASEAN proceedings, thus suppressing robust debate and public pressures for reform. ASEAN reaffirmed these same principles in the Preamble to the 2007 ASEAN Charter (ASEAN 2007). This apparent contradiction leads to the question of whether the ASEAN Human Rights Declaration indicates rhetoric or real change, which might elevate human rights to a central, rather than peripheral, role in the region.

ASEAN countries have long struggled with political consolidation and domestic stability, often appealing to security concerns as well as *Asian values*, emphasizing community and authority as preeminent over individual liberties. The AHRD declares rights that are contradictory to traditional “Asian values,” (ASEAN, 2012, articles 19, 22-23), creating political dissonance between traditional power structures and civil society. Leaders in ASEAN must navigate this tension between human rights rhetoric and political stability.

ASEAN is the dominant regional institution in Southeast Asia, and has been alternately criticized and praised for progressively developing liberal institutions, and conversely for being primarily a “shop talk” institution, too weak to effect meaningful change (Terada 2011). Yet, the AHRD appears to be a bold step towards establishing human rights institutions that are “irreversible...through which member states will be held to account (Southwick 2013, 1).” This chapter asks what causes regional or international organizations to act to prevent human trafficking. Specifically, what factors caused ASEAN to adopt the ASEAN Human Rights Declaration, with its broad liberal human rights rhetoric, despite traditional ASEAN commitments to the principles of sovereignty, non-interference, and consensus. In this chapter I will analyze ASEAN as a regional institution by adapting Young’s (1982) framework for studying regime dynamics. I will conduct a case study (George 1979) of the ASEAN Human Rights Declaration to better understand the broader

evolution of human rights norms in Southeast Asia, for it is within this context that human trafficking norms are being addressed.

ASEAN

ASEAN was founded in 1967, in the wake of a bloody border conflict between Indonesia and Malaysia, and in the broader context of the Cold War, which was decidedly hot in Southeast Asia (Drakeley 2005). Five countries initially formed ASEAN: Indonesia, Thailand, Singapore, Malaysia, and the Philippines. This system was loosely modeled on the European Union. The organization grew to include five additional member states, Brunei Darussalam (1984), Vietnam (1995), Laos and Myanmar (1997), and Cambodia (1999), becoming one of the most ethnically, linguistically, economically, politically, and religiously diverse regional communities in the world. This complexity is matched by a complex web of organizations, such as the ASEAN Plus Three cooperative framework, established in 1997 between ASEAN and three East Asian economic powers, China, Japan, and South Korea. These relationships illustrate the dynamic interplay between security and economy, and the tension between domestic and regional interests.

Southeast Asia is strategically located at a major global crossroads, through which much of the world's commerce and natural resources flow (Kaplan 2010). The region, with a population greater than the European Union, is also home to one of the world's largest migration flows (Chouvy 2013). Most ASEAN states have porous borders, contributing to a high incidence of illegal migration, including the smuggling and trafficking of drugs, guns, and humans (Miani 2011; Mohamed et al. 2011; Feingold 2013). Since September 11, 2001, Southeast Asia has experienced increasing and varied threats, from the Bali Bombings conducted by the regional terrorist group Jemaah Islamiyah (JI), to the A.Q. Khan nuclear

proliferation ring links in Malaysia and Singapore. A senior JI member, Ridwan Issamuddin, better known as “Hambali,” was arrested in Bangkok, Thailand, where the Bali Bombers had conducted their planning (Liow, 2011, 1416).⁴ Southeast Asia is also widely known for human trafficking, illicit sex trade, and endemic corruption.

Southeast Asia contains porous borders and diverse multicultural and multilingual populations. This combination benefits terrorist organizations as well as human traffickers. Many of the 620 million people living in Southeast Asia face additional vulnerabilities, including stark poverty, unequal and often unavailable healthcare and education, and multiple ethnic groups who are treated as stateless, especially in the border areas of peninsular Southeast Asia (Brooks 2014). This confluence of risk factors has gained the attention of individual governments, and of ASEAN. One mechanism for addressing these risk factors, while simultaneously passing along the benefits of economic progress and political consolidation, is through ASEAN human rights initiatives.

President Obama recently declared his intent to pivot U.S. foreign policy focus towards Asia, and his administration has sought to emphasize the strategic and economic importance of the region (Clinton 2011; Manyin et al. 2012). The administration has defined this rebalance largely on projections of economic opportunity, but China’s rise has dominated discussions of the policy. In both cases, U.S. policy describes a stronger ASEAN as an important element of stability and prosperous economic ties.

A great deal of economic and diplomatic attention, in addition to security assistance, has been directed towards Southeast and East Asia, a region with many dynamic and growing

⁴ JI represents both a domestic and a regional terrorism threat; Malaysia’s A.Q. Khan link represents regional and global proliferation of weapons of mass destruction, and the threat posed by transnational organized criminal (TOC) groups; Hambali represents the global terror threat, as he was a key link between al Qaeda and regional terror groups. Terrorism and TOC is beyond the scope of this paper, but the importance of these factors cannot be overstated when considering the importance and effectiveness of ASEAN as a regional organization.

economies as well as globally strategic shipping lanes, such as the Malacca Straits, through which 92% of Japan's oil transits from the Middle East (Cattaneo 2013). The Asia-Pacific region includes the world's four most populous countries, four of the largest economies, and six nuclear-armed states. The region also includes five of seven U.S. treaty allies,⁵ including Thailand and the Philippines in Southeast Asia, a sub-region that has recently received increasing security assistance from the United States (Locklear 2014). Central to this rebalancing is U.S. efforts to influence the norms and rules that are vital to improving economic and diplomatic ties throughout the region, as well as to encourage robust regional and international cooperation as China continues to rise (Manyin et al., 2012).

In this chapter I will study what type of human rights regime is emerging in Southeast Asia, and analyze the forces shaping that regime. The AHRD is a significant development in the evolution of a human rights regime in Southeast Asia, and the process that brought this document to an official policy level provides some insight into what challenges and opportunities exist in combatting human trafficking within the security and human rights context. This study fills a gap in the literature, as no research has yet applied Young's model of regime dynamics to ASEAN, and little research has studied ASEAN and its passage of the ASEAN Human Rights Declaration.

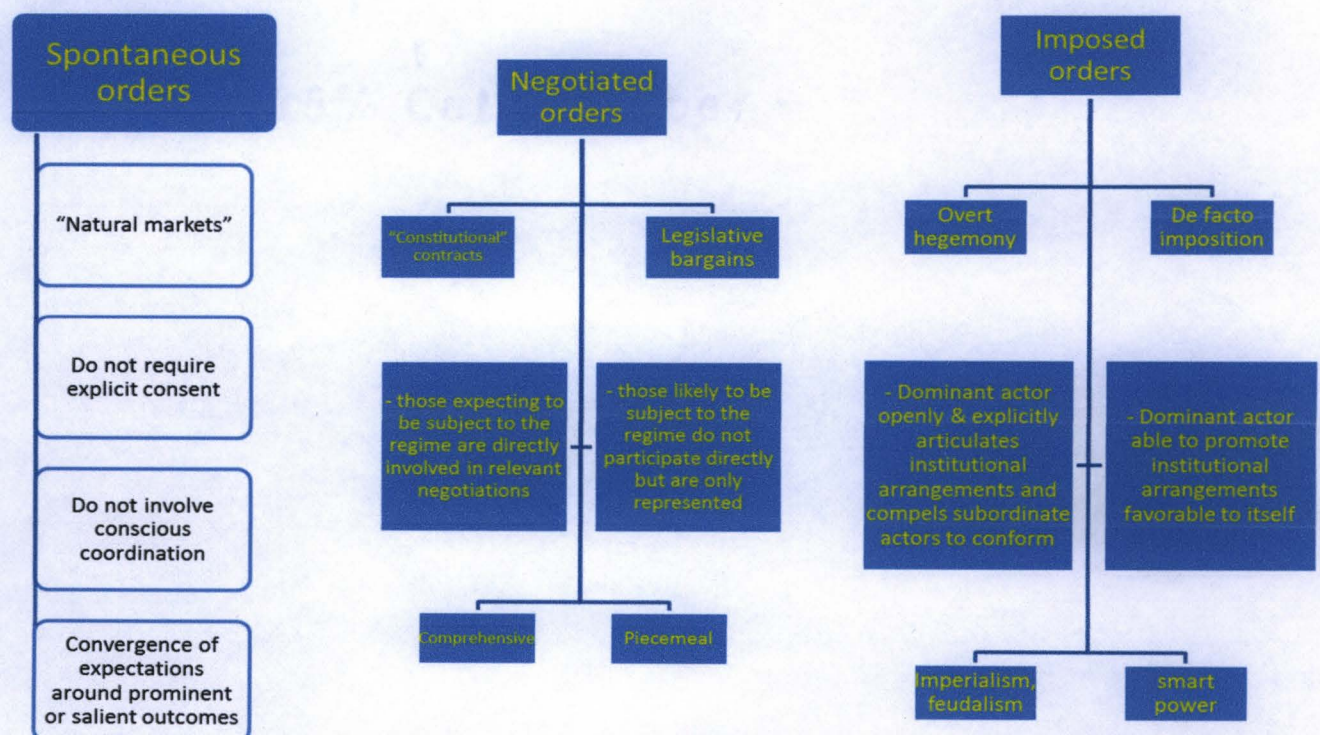
Methodology

Young identifies three developmental sequences for regimes as they respond to collective problems, such as security threats or social upheavals (1982, 281-284). These regimes can be classified by type as spontaneous orders, negotiated orders, and imposed orders. Young describes the pressures that precede these changes in a regional or

⁵ The United States has seven active mutual defense treaty alliances: NATO (28 states), the Rio Treaty (18 states), ANZUS (Australia and New Zealand, although New Zealand withdrew in 1985), and four bilateral treaties, with Thailand, the Philippines, Japan, and South Korea.

international regime as “internal contradictions, shifts in underlying power structures, and exogenous forces (1982, 297).” Another way of labeling these regime forces would be internal hegemonic power, external pressure, shared internal values, and domestic pressure. The first two are generally viewed as types of imposed order, while the second two are negotiated factors.

Figure 3.1. Three Developmental Sequences for International Regimes



Adapted from Young, Oran R. 1982. Regime Dynamics: The Rise and Fall of International Regimes. *International Organization* 36(2): 277-297

Young emphasizes that these types of regime order are not mutually exclusive and any attempt to classify regimes rigidly will distort their reality and lead to confusion, rather than greater understanding (1982, 286).

Ciorciari (2012) identifies three similar mechanisms for policy change: First, established regional human rights regimes can become enforcers and “norm incubators

(2012, 714),” but in the case of ASEAN, the ASEAN Intergovernmental Commission on Human Rights (AICHR) Terms of Reference deliberately preclude this possibility. Second, Ciorciari describes “lateral pressure (2012, 716),” through which member states can exert both normative and structural pressure to influence change. This lateral pressure might be negotiated or imposed; in the example of ASEAN, it is negotiated, deliberative, and even tentative, due to the formal tradition of non-interference in the domestic affairs of other states. Finally is the bottom-up pressure, or negotiated regime, that civil society can bring to bear on the government, potentially changing the government’s cost-benefit calculations (2012, 718). Civil society pressures also have characteristics of spontaneous order, but this implies change coming about naturally, with minimal or no “conscious coordination among participants (Young 1982, 282).” This is not the case in the context of human rights in the ASEAN region; there is not yet evidence of spontaneous regional human rights regimes emerging, although one might argue that human rights norms are emerging spontaneously within certain sub-regional contexts.

From this framework, I will conduct content analysis of ASEAN official documents and available media reports regarding the deliberation and adoption of the AHRD to answer the following questions; what led to the passage of the 2012 AHRD? What interest groups or stake holders supported adoption of the AHRD? What groups opposed it? I will test the following hypotheses using Young’s typology, through the application of three hypotheses.

Hypothesis 1 (H1)- (negotiated orders- domestic pressure) If a distinguishing feature of an international regime is the “conjunction of convergent expectations and recognized patterns of behavior or practice (Young 1982, 278),” then we can expect to see both:

convergent expectations regarding human rights, as well as changes in patterns of behavior or practice, within state institutions and civil society organizations.

To test this hypothesis I analyze the establishment and development of national human rights institutions within ASEAN, to gain a better understanding of the role individual states have played in the development of a regional human rights regime. I then analyze available documents published by the ASEAN Intergovernmental Commission on Human Rights, as well as studying civil society organizations and NGOs in their responses and recommendations to the AICHR and ASEAN regarding human rights and development of the ASEAN Human Rights Declaration.

Hypothesis 2 (H2)- (imposed orders) If Indonesia retains an authoritarian political culture, then it will impose hegemonic power within ASEAN.

In order to measure whether Indonesia *imposed* its will in the drafting and passage of the ASEAN Human Rights Declaration, as opposed to *negotiating* its will, we must have some idea of what that will was. Indonesia was chosen for examination because of its size and prominence within ASEAN, as well as its history of authoritarian rule and hegemonic behavior in Southeast Asia.

Indonesia currently has a population of 237 million people and contains nearly forty percent of the entire ASEAN population. Indonesia is the third largest democracy in the world as well as the largest Muslim-majority country. The Indonesian economy has grown rapidly in the wake of the 1997-1999 financial crisis, and most major economic powers today seek to establish greater economic and diplomatic ties with this rising power (Buehler 2012; Bush III et al 2013). These disproportionate strengths, vis a vis its Southeast Asian neighbors, support my hypothesis that Indonesia will seek to exert this disproportionate

influence in ASEAN. Indonesia also has a long history of authoritarian rule, to include aggressive regional hegemonic behavior, to further support my hypothesis that Indonesia will exert hegemonic power within ASEAN.

Indonesia gained independence in 1949 through war with the Dutch, and remained hegemonic and authoritarian for much of its history. This stands in sharp contrast to many of its neighbors, who gained their national independence through negotiation and collaboration, following the Second World War (Drakeley 2005). One reason for its authoritarian history has been the ongoing struggle for political consolidation (Stratfor 2012). Indonesia faces many national security challenges, both internal and external; such security instability has been identified as having a negative effect on human rights voting (Forsythe 1979). Indonesia's approach to the ASEAN Human Rights Declaration can be viewed within the historic context of strong tendencies towards authoritarian power structures.

Indonesia does not have a high level of transparency, but there are indications of what the government sought in the AHRD. By reviewing official government statements, reports by civil society groups and observers, and the final language of the AHRD, this study will provide a deeper assessment of Indonesia's balance between authoritarian and pluralist rule in ASEAN.

Young defines imposed orders as "deliberately established by dominant actors who succeed in getting others to conform to the requirements of these orders through some combination of coercion, cooptation, and the manipulation of incentives (Young 1982, 284)." For this hypothesis to prove true, I expect Indonesia to impose its intent upon ASEAN, while guarding against external hegemonic pressure, such as that measured in hypothesis three.

To test hypothesis two, I analyze official documents and media reporting from 2011-2012, the two years prior to the November 18, 2012 signing of the ASEAN Human Rights Declaration. I focus my analysis at several different levels, including senior Indonesian officials, NGO reports, and media reporting on the development of the AHRD. One limitation of this research is the lack of transparency within the inner workings of ASEAN and the ten member states. This opacity emerges as one of the central criticisms of ASEAN and development of the AHRD.

I analyze the role of senior military officials in the government of Indonesia, as well as reports of human rights abuses by the Indonesian Army, which is an essential context for understanding Indonesian policy formation regarding human rights legislation. I then conduct a brief review of Indonesia's post-independence history, to provide a further contextual baseline for comparing recent applications of Indonesia's regional power. Finally, I analyze several key Indonesian leaders, including the current president and several key leaders from the Ministry of Foreign Affairs, the department lead for the ASEAN Intergovernmental Commission on Human Rights (AICHR). The AICHR was the commission tasked with drafting the AHRD.

Hypothesis 3 (H3)- (imposed orders) Major powers will exert pressure on ASEAN in an attempt to shape the content of the AHRD. Specifically, the United States will seek to influence ASEAN to develop robust human rights commitments. Conversely, I anticipate China will also exert hegemonic pressure towards ASEAN, although with the intent to maintain the status quo.

Young maintains that orders can be imposed by external hegemonic powers that institute leadership and the manipulation of incentives to promote terms they deem favorable

(1982, 285). Major powers will exert pressure on ASEAN in an attempt to shape the content of the AHRD. Specifically, the United States will seek to influence ASEAN to develop robust human rights commitments. Conversely, I anticipate China will also exert hegemonic pressure towards ASEAN, although with the intent to maintain the status quo. The Chinese Communist Party (CCP) has historically emphasized non-interference in domestic affairs of other states, and utilization of bilateral negotiations versus negotiating with ASEAN as a regional block. I do not anticipate significant change in the CCP position regarding the AHRD specifically, or towards ASEAN more broadly.

To test hypothesis three I examine several key U.S. national policy documents, then study statements made by key federal executive branch leaders, to include President Obama and then-Secretary of State Hillary Clinton. I analyze their travel and engagement with regional forums in Southeast Asia, as well as public statements they made regarding human rights or human trafficking. Finally, I briefly analyze China's role as an external hegemon, and their role in seeking to influence development of a human rights regional regime in Southeast Asia.

Summary Findings

Hypothesis 1

H1- (negotiated orders) If a distinguishing feature of an international regime is the “conjunction of convergent expectations and recognized patterns of behavior or practice (Young 1982, 278),” then we can expect to see both: convergent expectations regarding human rights, as well as changes in patterns of behavior or practice, within state institutions and civil society organizations.

Therefore, if the ASEAN Human Rights Declaration is evidence of an emerging regional regime, then I expect to see evidence that ASEAN states have convergent expectations of elevating human rights concerns, as opposed to primarily using the language of liberal human rights regimes, with no (or little) intention of institutionalizing human rights laws or norms. I also anticipate seeing evidence of growing expectations across a broader swath of ASEAN societies, as opposed to being limited to human rights activists and foreign diplomats.

ASEAN has generated a great deal of human rights documents (see Table 3.1. below), and most have been published in the past decade, indicating increased attention to human rights issues. While these documents indicate a change in patterns and practices within ASEAN governmental communities, these documents do not invariably indicate strongly convergent expectations regarding human rights.

Table 3.1. ASEAN Human Rights Legislation (and other relevant documents)

2013	Declaration on the Elimination of Violence Against Women and Elimination of Violence Against Children in ASEAN
2013	ASEAN Declaration on Strengthening Social Protection
2012	ASEAN Human Rights Declaration (AHRD) (<i>November 18, 2012</i>)
2012	Guidelines on the Operations of AICHR (<i>March 12, 2012</i>)
2010	ASEAN Commission on the Promotion and Protection of the Rights of Women and Children (ACWC)
2010	ASEAN Intergovernmental Commission on Human Rights (AICHR)
2009	Terms of Reference (TOR) of AICHR (<i>endorsed by ASEAN Foreign Ministers</i>)
2007	ASEAN Charter
2004	ASEAN Declaration Against Trafficking in Persons Particularly Women and Children

- 2004 Vientiane Action Programme (*ASEAN member states commit to developing an ASEAN instrument on the protection and promotion of the rights of migrant workers*)
- (*Replaces 1998 Hanoi Plan of Action*)
- 1999 Bangkok Declaration on Irregular Migration (*ASEAN plus regional states*)
- 1998 Hanoi Plan of Action (*ASEAN plan addressing unequal economic development and to strengthen collaboration in combatting trafficking in women and children*)
- 1997 ASEAN Declaration on Transnational Crime (*combat illegal immigration and trafficking in persons*)
- 1995 Treaty on the Southeast Asia Nuclear Weapon-Free Zone
- 1993 **Vienna Declaration and Programme of Action** (at the United Nations World Conference on Human Rights) (VDPA) (*discussion of AICHR creation began here*)
- 1989 Convention on the Rights of the Child (CRC) (UN)
- 1988 **Declaration of the Advancement of Women in the ASEAN Region**
- 1984 Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (UN)
- 1976 Treaty of Amity and Cooperation in Southeast Asia
- 1987 Protocol (amended): open accession to states outside SEA
- 1998 amended: condition accession on consent of all member states
- 1971 Declaration on the Zone of Peace, Freedom and Neutrality (ZOPFAN)
- 1967 Bangkok Declaration (*Creation of ASEAN*)

Source: All information collected by author from official ASEAN and UN web pages. Italicized comments condensed from official descriptions. For further information see <http://www.asean.org/> and <http://humanrightsinasean.info/asean-timeline> an online platform funded by USAID, the ABA Rule of Law Initiative, and FORUM-ASIA.

National human rights institutions are an indication of regime development at the state level (Renshaw 2012). We might expect these institutions to be established at the state level before regional regimes emerge, and yet only five of the ten ASEAN member states have a national human rights institution (see Table 3.2, below). Only three of these states have a national human rights institution with legitimate independence (Mohamad 2002;

Southwick 2012), namely Indonesia, Thailand, and the Philippines; even these provide minimal documentation of the internal processes of the ASEAN Intergovernmental Commission on Human Rights (AICHR). Two states, Myanmar and Malaysia, have national human rights institutions, but neither of these institutions has gained independence to function free of direct political interference. Myanmar and Malaysia have had distinctly different political systems since WWII, yet each maintained a one-party rule for most of that time.

Myanmar was once a regional economic and political powerhouse, but its prominence and prosperity diminished throughout the twentieth century. From 1962 until 2011, Myanmar was under near-totalitarian military rule. Since 1962, the year democracy ended in Myanmar, the Burmese constitution has contained severe restrictions on non-governmental organizations (NGOs) and civil society, resulting in the atrophy of civil institutions (Clapp 2007; 22-27; Turnell 2008, 3). Myanmar established the Myanmar Human Rights Commission in 2011, but has secured in law neither its independence, nor federal funding, as of 2013. The commission was established by Thein Sein, the retired Army General and transformational president of Myanmar, but lasting change will take time, as Myanmar has little existing capacity or capability to build effective civil society institutions, after decades of neglecting official institutions, and suppression of traditional ones (McCarthy 2012). Myanmar has been governed almost exclusively by the military since 1962 (Østergaard 2008; International Crisis Group 2009, 3).

Malaysia also has a national human rights commission, Suruhanjaya Hak Asasi Malaysia (SUHAKAM), dating back to 1999, but the commission is strictly advisory, highly

formal, and remains tied to the ruling political coalition through its politicized member nomination process (Mohamad 2002; SUHAKAM 2012).

The remaining half of ASEAN states, namely Brunei Darussalam, Cambodia, Laos, Singapore, and Vietnam, do not have any form of a national human rights commission. These examples illustrate the relative immaturity of human rights institutions in Southeast Asia. Hence, the creation of the ASIAN Intergovernmental Commission on Human Rights was viewed as a step forward.

Table 3.2 National Human Rights Institutions in ASEAN states

	Date Created	Date active	
Philippines	1987	same	Commission on Human Rights
Indonesia	1993	same	National Commission on Human Rights (Komnas HAM)
Thailand	1997	2001	National Human Rights Commission
Malaysia	1999	2000	Human Rights Commission of Malaysia (SUHAKAM)
Myanmar	2011	Limited¹	Myanmar National Human Rights Commission (MNHRC)

Source: Data compiled by author

1. The MNHRC does not yet have a constitutional mandate, nor a dedicated federal budget (as of December 2013).

The ASEAN Intergovernmental Commission on Human Rights (AICHR) was created in 2009 as a “consultative inter-governmental body (ASEAN 2009, 6; Renshaw 2012),” resulting in restricted access for civil society groups, and limited power for the body to act decisively. This symbiosis with government contributes to the widespread criticisms of human rights initiatives in Southeast Asia for their rhetoric and lack of transparency (Ramcharan 2010, 204; Terada 2011). The AICHR has been widely criticized by regional civil society organizations for lacking transparency and failing to consult with civil society organizations (Asian Tribune 2012).

The ASEAN Intergovernmental Commission on Human Rights was further criticized by the Solidarity for Asian People's Advocacy Task Force on ASEAN and Human Rights (SAPA TFAHR), who publishes an annual performance report on the AICHR. Their 2012 report focused heavily on the failure of the AICHR to consult with key stakeholders, especially civil society organizations and ASEAN's own national human rights institutions. This report repeatedly criticized the commission's secrecy and the institutionalized ASEAN Way of decision making by consensus (Sigiro et al. 2012; 35), noting that this policy requiring consensus provides the most conservative members veto power over any recommendations. The 2012 SAPA TFAHR report includes 20 annexes, 17 of which are reprinted reports of various international NGOs and regional civil society organizations; eight of these submissions are specific recommendations to the AICHR regarding the ASEAN Human Rights Declaration. These reports illustrate the diversity and expertise of interest groups throughout the region regarding establishment of a functioning ASEAN human rights regime, and their dedication to participating in the process.

Demonstrating further NGO and civil society organization coalescence around this issue, a coalition of 55 civil society organizations submitted a joint press statement with scathing criticism of the AHRD, one day after the signing of the ASEAN Human Rights Declaration. The letter cataloged a series of concerns and flatly rejected the declaration, describing it as deeply flawed, and alleging that the AHRD actually undermines extant international human rights laws and commitments that ASEAN member states had previously signed. The statement went on to reiterate to ASEAN member states that international law supersedes the regional declaration, especially its caveats and equivocations, again requesting that the ASEAN Intergovernmental Commission on Human

Rights engage in meaningful and substantive dialog with civil society groups (ASEAN News 2012).

Based on the robust activity recorded by dozens of regional civil society organizations, this study finds strong support for the hypothesis that convergent expectations will be evident if a human rights regime is truly emerging. Within civil society, broad patterns of behavior and practice are also evident, especially coalescing around the 2009 creation of the ASEAN Intergovernmental Commission on Human Rights, and the process of drafting and signing the 2012 ASEAN Human Rights Declaration. On the other hand, these same groups express concern that an authentic regime is not yet established at the state and regional level, and may in fact be weakening due to the lack of transparency within ASEAN institutions.

Overall, I find strong support for hypothesis one; ASEAN does have a developing human rights regime, despite real concerns and slow progress. The rapidly increasing pressure from civil society is evidence that norms and expectations are being established, which will be difficult for leaders in the region to step away from (Ciorciari 2012). Renshaw (2012) analyzed the ASEAN Intergovernmental Commission on Human Rights Terms of Reference, as well as the role of national human rights institutions and civil society organizations, and found symbiotic relationships developing between these organizations. She identifies these as powerful normative factors, particularly citing the improved effectiveness of civil society organizations engaging international regimes to exert the pressure they do not yet have authorized mechanisms in place to do so themselves. She does conclude with one cautionary reminder; some states will be less responsive to these

pressures, and international influence must compete with domestic political imperatives (Renshaw 2012, 313).

Hypothesis 2

H2- (imposed orders) If Indonesia retains an authoritarian political culture, then it will impose hegemonic power within ASEAN.

The military remains a major center of power in Indonesia, although since 1999 the government has placed significant power into other institutions, such as the police in their counterterrorism efforts, the 2001 constitutional court, and the 2002 Corruption Eradication Commission (Bush III et al 2013, 12). The judiciary has frequently ruled against the government, and yet frequent reports of corruption in the courts persist (Buehler 2012).

Military officers have historically been a vital part of the government. Although the army lost their parliamentary seats in 2004, President Yudhoyono appointed his brother-in-law, General Pramono Eddhie Wibowo, as Army Chief of Staff, an indicator of continued cronyism and residual military influence over the government. Media reports anticipated that Yudhoyono's brother-in-law was being groomed to run for president for the 2014 elections (Parlina 2011).

As predicted, Wibowo was one of the three leading candidates for president in 2014, despite accusations of nepotism and his association with gross human rights abuses when he was the commander of KOPASSUS (Komando Pasukan Khusus), Indonesia's Army Special Forces, during 1999 operations in East Timor. Army generals are common in Indonesian national politics, especially those who have served in KOPASSUS. The 2014 parliamentary and presidential elections had two prominent candidates, Wibowo and Prabowo Subianto,

both of whom commanded Kopassus units. Both men have been implicated with gross human rights abuses during their respective time in KOPASSUS (ETAN 2014; Fionna 2014).

Military men continue to exert power and influence within Indonesia, partly due to how young the nation's democratic institutions are, but also due to its long history of military dominance of national governance. Hence, the overarching priority for the United States Mission in Jakarta is support to democratic institutions.

U.S. Army Special Forces have not trained with KOPASSUS since 1998, due to allegations of gross human rights violations by KOPASSUS. These restrictions result from the Leahy Amendments, dating back to 1997 and P.Law 104-208. The Leahy Amendments to the Foreign Assistance Act of 1961 and the National Defense Appropriations Act have since been passed as law, and continue to be used globally. This level of U.S. diplomatic influence and legal constraint illustrates the high level of perceived authoritarian impunity in Indonesia; many analysts believe Senator Leahy sponsored these amendments primarily due to atrocities reported in Indonesia (Comer 2010, 58-59).

Corruption and political abuse of power remains widespread in Indonesia. During a panel discussion at Brookings Institute in February 2013, Vanda Felbab-Brown observed that Indonesia had achieved a remarkable level of transparency regarding freedom of expression and the media, but concern that accountability had not yet followed. She stated, "The problem is now we have finally gotten transparency...during the Soeharto era you had transparency with opaqueness. These days you have impunity with transparency. There are exposures, but very little happens after the exposure takes place" (Bush III et al 2013, 26). When senior military and political leaders are accused of corruption, yet retain impunity from the judicial process, implications of authoritarian rule gain weight. This poorly restrained

power creates an environment that is highly conducive to hegemonic tendencies (Honna 2012; Mietzner 2013).

Young argues that imposed orders can be differentiated in two types; overt hegemony and *de facto* imposition (1982, 284. See also Figure 3.1). Indonesia exercised overt hegemonic dominance both domestically and regionally during the first decades of its independence. Under President Sukarno (1949-1966), Indonesia used military force and threat of force to impose its will on neighboring countries, to include armed conflicts such as Konfrontasi, the 1963-66 war waged against Malaysia (Drakeley 2005). Under President Suharto (1967-1998), this overt hegemony was predominantly focused internally, through brutal suppression of communism, dissent, and autonomy (ibid). The military took control of government in 1966, and conducted a purge of communists that cost more than 500,000 lives (Mietzner 2013). Indonesia experienced a tumultuous transition to pluralist democracy in 1999, and has since exhibited far more *de facto* hegemony, in combination with artfully negotiated order.

Nevertheless, since 2004, Indonesia's presidency has been held by another retired Army General, Susilo Bambang Yudhoyono. Yudhoyono has significantly decentralized power to outlying regions, and critics note that power has not yet flowed to the people (Stratfor 2012). The army retains its geographic command structure, which empowers regional commanders even more in this decentralized system. Corruption remains a major problem (Liddle and Mujani 2009; Buehler 2012). Nevertheless, residual military influence in government and persistent corruption are not sufficient evidence to support the hypothesis that Indonesia will exert hegemonic power within ASEAN.

The ASEAN host country and chairmanship is rotated annually. Indonesia held the chair in 2011, followed by Cambodia in 2012, the two years the ASEAN Human Rights Declaration was being drafted. This case study provides a superb opportunity to assess what type of regime dynamics Indonesia displays. As the largest member in ASEAN, by geographic size, population, and GDP, I expect Indonesia to impose its will over ASEAN's smaller countries, especially Cambodia, which was the last country to join ASEAN, and one of the smallest and poorest in the Association.

Ngurah Swajaya served as the Indonesian Ambassador to ASEAN from 2010-2013, and therefore served as Chairperson of the Committee of the Permanent Representative to ASEAN in 2011. Ngurah emphasized both security and economic priorities as the ASEAN chairman, but also placed human rights amongst his top priorities for ASEAN. Specifically, Ngurah discussed the importance of sea connectivity, a code of conduct for the South China Sea, free movement of skilled and unskilled labor, protection of migrant workers, and better application of human rights principles (BBC 2011).

Ngurah also questioned whether other ASEAN countries were willing to support Indonesia on these key global issues. Ngurah had demonstrated extensive experience in the more nuanced diplomatic arts of persuasion, having been the Indonesian Ambassador to Germany (1991-1995) and the UN (1999-2003). He later served as the Director for ASEAN Political Security Cooperation until 2009, indicating a solid grasp of regional security challenges as well as broader human rights principles. This was a powerful position, as the 2007 ASEAN Charter institutionalized ASEAN's Vision 2020, with the intent of establishing a regional, rules-based institution. This ASEAN union is intended to be built upon three pillar

communities: ASEAN Political-Security Community, the ASEAN Economic Community, and the ASEAN Socio-Cultural Community.

This ASEAN Political-Security Community, which Ngurah directed for several years, contains some of the most powerful and influential institutions within ASEAN, such as the ASEAN Intergovernmental Commission on Human Rights, the ASEAN Regional Forum (ARF), and the ASEAN Defense Ministers Meeting (ADMM), which now includes the ADMM Plus, the 2010 inclusion of eight Asian powers (Australia, China, India, Japan, South Korea, New Zealand, Russia, and the United States). Ngurah provided Indonesia a key mechanism for influencing the most powerful institutions within ASEAN. Unfortunately, ASEAN remains opaque in its inner functioning, rendering an in-depth assessment of his methods of influence upon these institutions nearly impossible.

Following Indonesia, Cambodia was the 2012 ASEAN chair and host, the year the AHRD was on the agenda for drafting and potential passage. One of the most notable ASEAN events of the year was the fact that the ASEAN foreign ministers failed to issue a joint communiqué for the first time in its 45-year history (Bower 2012). This event will be discussed further below,⁶ but created a strategic space for Indonesian diplomacy. *Deutsche Welle Asia* (2012) observed that Marty Natalegawa, Indonesia's Foreign Minister, was able to successfully draft an ASEAN statement within days of the failed ministers meeting, providing some restored claim to legitimacy for the organization and demonstrating the exceptional influence of Indonesia's diplomacy (Kek 2012).

Since transitioning to a more pluralist democracy in 1999, Indonesia has begun to restrain its military, at least when compared to the decades of Sukarno and Suharto. Indonesia has also demonstrated skillful diplomacy within the ASEAN framework. These

⁶ See Hypothesis 3 for further discussion.

examples, while limited in scope and depth, indicate a transition from hegemonic to defacto imposition of its will. Several senior Indonesian leaders, such as Marty Natalegawa and Ngurah Swajaya, have demonstrated skillful legislative bargaining, indicating some movement from Young's imposed orders to negotiated orders (see Figure 3.1).

Yudhoyono, Ngurah, and Natalegawa have all demonstrated negotiation skills in brokering regional policy (Mietzner 2012, 124; Thayer 2012; Moffet 2013). While Indonesian democracy is young, and likely to suffer setbacks, this study finds Indonesia exerting more negotiation skills than anticipated. Likewise, this study finds little support for the hypothesis that Indonesia would exert overt hegemony in ASEAN to impose its will. My research did not find sufficient data to analyze the internal negotiations of the ASEAN Human Rights Declaration, and therefore this assessment must be qualified as tentative, pending greater transparency within ASEAN governance.

Hypothesis 3

H3- (imposed orders) Major powers will exert pressure on ASEAN in an attempt to shape the content of the AHRD. Specifically, the United States will seek to influence ASEAN to develop robust human rights commitments. Conversely, I anticipate China will also exert hegemonic pressure towards ASEAN, although with the intent to maintain the status quo.

The world has been described as *unipolar* in the post-Cold War era, with the United States as the only state capable of exerting hegemonic influence globally (Schweller and Pu 2011; Monteiro 2011). The United States may no longer be the sole global power, but is likely to remain the dominant global hegemon for decades (Nye 2013). The Obama Administration has dedicated considerable diplomatic attention to the Asia Pacific region,

and ASEAN has been a central element of that engagement (Obama 2010; Clinton 2011; Avendasora 2012). With this hypothesis I anticipate the United States will demonstrate de facto imposition of imposed orders in combination with powerful negotiation of these orders.

President Obama's 2010 National Security Strategy (Obama 2010) identifies ASEAN amongst a select group of regional multilateral institutions vital to U.S. strategic interests. The National Security Strategy also refers to the promotion of human rights more than thirty times, listing human rights as a core national value that is essential for advancing the nation's interests. This national security strategy, along with recent federal laws designed to protect and promote human rights and counter human trafficking, combine to support this hypothesis.

Hillary Clinton was the first senior U.S. Administration official to travel to all ten ASEAN states, when she met with the Sultan and senior officials of Brunei Darussalam (Avendasora 2013). Clinton had placed special emphasis on ASEAN before; in her 2011 essay in *Foreign Policy* magazine, she cited ASEAN and APEC as multilateral institutions with which the United States is fully engaged (Clinton 2011). Clinton also acknowledged this as a core policy of the president, observing that Obama would attend the East Asia Summit (EAS) that same year. Clinton actively supported her ASEAN counterparts in promoting ASEAN unity, primarily regarding China's hegemonic claims over the South China Sea (Kaplan 2014, 16, 62). She did occasionally mention human rights as well, but in comparatively general terms or in a bilateral context, specific to the country she was visiting at the time.

Clinton demonstrated her commitment to supporting regional partners in her staunch support of Marty Natalegawa, Indonesia's Foreign Minister. She stood beside him in press

conferences declaring strong U.S. support for an ASEAN-China maritime code of conduct, and reported that she had brought up human rights concerns in Indonesia, mentioning persecution of religious minorities and suppression of separatists in Papua Province (AP 2012). In an apparent move to establish support for ASEAN, Clinton traveled first to Jakarta, the capital of Indonesia and the location of ASEAN headquarters, prior to visiting Beijing in 2012. The British newspaper, *The Telegraph* (2012), also reported Secretary Clinton's visit with Indonesian President Susilo Bambang Yudhoyono, Marty Natalegawa, and the ASEAN Secretary General, Surin Pitsuwan, to discuss ASEAN engagement with China. According to *The Telegraph*, unnamed U.S. officials reported that Clinton had specifically discussed human rights during these meetings. Nevertheless, her public statements remained focused on regional security concerns, especially the escalating tensions in the South China Sea.

Obama did attend the 2011 and the 2012 East Asia Summits, which was an historic first for a U.S. president to attend. Obama's participation in the EAS has been viewed as a deliberate response to active Chinese diplomacy in regional institutions, and the perception that China sought to marginalize or even exclude the U.S. in some venues. For instance, the U.S. was denied observer status of the Shanghai Cooperation Organization's 2006 meeting (Manyin et al. 2012). The 2011 summit was dominated by South China Sea security concerns, specifically revolving around increasing tensions between China and several ASEAN states, including Vietnam and the Philippines (Grammaticas 2011). Obama and his team asserted U.S. commitment to regional and multilateral cooperation in dealing peacefully with such divisive issues as sovereignty in the maritime realm. Obama effectively staked a position for the United States as the de facto guarantor of maritime security. I assert that this position represents a vital strategic interest to the United States vis-a-vis global shipping and

global trade, but that Obama also used this summit as an opportunity to assert hegemonic dominance regionally, thereby reassuring ASEAN and improving U.S. diplomatic positioning for various other priority issues, to include human rights.

Obama used the 2012 EAS to again emphasize U.S. support for multilateralism as the optimal venue for engagement across a variety of issues, again with emphasis on maritime security. The Obama team engaged on multiple topics, with security as a common theme, to include cooperation regarding energy, nonproliferation, and establishment of rules-based institutions to protect universal human rights (U.S. White House 2012).

While there is little indication that senior administration officials directly exerted public pressure over the AHRD, it appears clear that the intent was to impose order and multilateralism, both being essential to facilitate U.S. emphasis on human rights broadly, and the AHRD specifically. Executives are often most effective in clearly defining broad goals in order to set the conditions for designated representatives to engage more effectively on specific policy issues. Therefore, it is possible that U.S. leaders did exert some discrete pressure on the AHRD process; this study did not find evidence, beyond general statements on broader human rights principles.

Unfortunately, there is scant evidence of direct administration or State Department involvement leading up to the AHRD, even at the Assistant Secretary level. The vast majority of high-level engagement during the 2011-2012 period under study focused on establishment of an ASEAN-China Code of Conduct regarding maritime norms and the South China Sea. Future reports may indicate higher level interactions seeking to influence this regional human rights regime, but this study finds that the majority of direct pressure came from lower level diplomatic engagement and from NGOs. While I do find the

overarching efforts to exert regional stability and security, along with significant efforts to establish and support regional norms and institutions, this is not sufficient to support the hypothesis. While U.S. rhetoric supporting human rights regimes is clearly documented, I find little evidence of significant U.S. investment in the AHRD.

China

China has demonstrated high-level engagement with ASEAN, to include comments on the AHRD. China is broadly viewed as the rising regional hegemonic power, and has exerted its influence in apparently contradictory ways. One of the greatest quandaries for ASEAN states is the opacity by which China conducts much of its development, military spending and intentions, and its diplomacy (Allison and Blackwill 2013, 151).

As discussed in hypothesis two, the 2012 ASEAN Ministerial Meeting failed for the first time in 45 years to issue a joint communiqué. This was viewed from within ASEAN as a great embarrassment, and externally as another sign that ASEAN remained a talk shop of elites, more than a representative regional democratic institution. The sticking point was recent escalations in the South China Sea, specifically between China and the Philippines, at Scarborough Shoals. The joint communiqué drafters were unable to agree on whether to mention this confrontation, which had born the hallmarks of escalating to armed conflict for several weeks (BBC 2012). Bower (2012) reported that multiple iterations of the draft were proposed, and all were rejected by the Cambodian delegate, after external consultations. These consultations were widely reported as having been heavily influenced by China.

Carl Thayer (2012), a scholar at the CSIS Asia House, expounded on the security threat, which included China's Central Military Commission establishing a military garrison headquarters in the disputed islands of the South China Sea (Kaplan 2014, 128). This act

exemplifies the regional tensions, leaving most of China's neighbors feeling pressed between the Scylla and Charybdis of rapidly growing Chinese economic heft and surging military confidence.

In summary, there is evidence of China exerting overt hegemony as well as de facto imposition of its will, in order to maintain the status quo of China's preference for bilateral negotiations, held privately. On the other hand, this study finds surprisingly little evidence of direct U.S. influence over the drafting of the ASEAN Human Rights Declaration.

Summary and Conclusion

The ASEAN Human Rights Declaration declares rights that are contradictory to traditional "Asian values," creating political dissonance between traditional power structures and civil society. The AHRD further formalizes these social institutions within the rules-based regional and national governments. This codification of values and ideals into law creates commitments that will be increasingly difficult for national leaders to step away from, or to justify authoritarian and repressive policies under the rubric of stability or social harmony.

This chapter finds that the AHRD does indeed contain political rhetoric, but also indicates legislative progress towards providing real protection for human rights in Southeast Asia. The hypotheses examined revealed mixed results. I found strong support for hypothesis one, enough support to tentatively reject hypothesis two, and mixed results with hypothesis three.

Overall, I find strong support for hypothesis one; ASEAN does have a developing human rights regime, despite real concerns and slow progress. The rapidly increasing pressure from civil society is evidence that norms and expectations are being established

across broad sectors of society throughout ASEAN. Social discourse remains divisive regarding human rights, especially where strong Islamic, Communist, and authoritarian governments remain. Nevertheless, even in ASEAN states as diverse as Indonesia, Philippines, and Vietnam, civil society organizations are gaining a stronger voice, especially regarding human rights. Human rights institutions are growing, both within government and throughout society, creating norms that will be difficult for national and regional leaders to back away from, as both Ciorciari (2012) and Renshaw (2012) anticipated.

Hypothesis two, on the other hand, I have rejected, based on extrapolation of available data. As identified above, the inner deliberations of ASEAN remain opaque and closed to public observation; But, based on available public records and reporting, Indonesia's role in the drafting and passage of the AHRD was not overtly hegemonic, and indicates more negotiation and bargaining than even *de facto* imposition of hegemonic influence.

Finally, the third hypothesis resulted in mixed results. As anticipated, I found evidence of China exerting significant hegemonic influence over ASEAN proceedings during the period of time analyzed. On the other hand, I did not find evidence of significant U.S. exertion of either negotiated nor imposed hegemonic influence over the AHRD. In the narrow perspective of the AHRD, this hypothesis is rejected. Yet, in the broader context of human rights, chapter four will indicate that the U.S. has exerted significant pressure over human rights in Asia. My conclusion regarding 2011-2012 is that the AHRD took a back seat to security concerns, as tensions rose significantly over conflicting territorial claims in the South China Sea, amidst the largest and longest-sustained increases in defense spending compared to any other region of the world (Perlo-Freeman and Solmirano 2014).

The Asia-Pacific remains the only region globally with no regional human rights commission or human rights court (Petersen 2011), giving the ASEAN Human Rights Declaration the potential of setting precedence and becoming the model for a future Asia-Pacific regional human rights institution. This late and limited development of even a sub-regional human rights institution illustrates how difficult the issue remains. Rhetoric will likely predominate regional initiatives, and yet the AHRD indicates potential for reform. Chapter four will examine one of the specific coercive instruments being used to influence reform in approaches to combatting human trafficking.

Chapter 4:

Southeast Asia and Human Trafficking:

Comparing State Responses to the Trafficking in Persons Reports

Does democracy matter? The United States promotes democracy and democratic institutions as an essential element of human rights, and directly ties these same concepts to security. Promotion of democracy is infused throughout U.S. policy and rhetoric regarding human rights and combatting human trafficking. This chapter seeks to better understand the connection between democracy and human rights by analyzing several measures of both in Southeast Asia.

As discussed previously, Southeast Asia is notorious for porous borders which allow illicit groups cross-border mobility. This lack of effective border control contributes to a high incidence of illegal migration, including the smuggling and trafficking of drugs, guns, and humans (Hastings 2010; Miani 2011; Chouvy 2013; Feingold 2013). Since September 11, 2001, Southeast Asia has experienced increasing and varied threats, from the Bali Bombings conducted by the Islamist terrorist organization, Jemaah Islamiyah (JI), to the Malaysian

links to the A.Q. Khan nuclear proliferation ring, a transnational organized crime (TOC) group originating from Pakistan (Collins and Frantz 2010; Riedel 2013). A senior JI member, Ridwan Issamuddin, better known as “Hambali,” was arrested in Bangkok, Thailand, where the Bali Bombers had conducted their planning (Liow, 2011, 1416). Hambali operated throughout the region, from Indonesia, Malaysia, Thailand, and Cambodia, as well as three years fighting in Afghanistan alongside Usama bin Laden and Khalid Sheik Muhammed; He crossed borders and conducted operations regionally by utilizing a network of transnational criminal organizations (Doyle and Ana 2003). Southeast Asia is also widely known for human trafficking.

Higher defense spending has been positively correlated with corruption (Gupta, de Mello, and Sharan (2001), and negatively correlated with human rights (Vadlamannati and Pathmalal 2008). The U.S. government has identified terrorism, proliferation of weapons of mass destruction (WMD), and corruption as threats to global security and prosperity, and has cited democratic institutions and human rights as essential to improve global security and prosperity (Obama 2010). The annual Department of State (DoS) Trafficking in Persons Report (TIP) is one mechanism of national power that the United States uses to measure human trafficking, and as a diplomatic and economic tool of coercion to influence policies of other governments. In this chapter I compare several Southeast Asian states in their efforts to counter human trafficking. These measures and their correlations are important to understand, to maximize the effect and efficiency of efforts to combat trafficking, especially in a time of budget cuts and resource constraints within the U.S. government.

In an effort to analyze how different government entities are responding to the challenge of human trafficking, and what aspects of governance and diplomacy demonstrate

effectiveness, I will seek to answer the following questions: Does the DoS TIP Report effect change on other states? If so, in what ways are the reports most effective? In this chapter I analyze selected data to test four hypotheses, to assess factors of corruption perceptions, ratification rates of international human rights conventions, measures of democracy, and defense spending. I utilize a variety of data, to include longitudinal quantitative data, which serve as proxy measures of human rights and democratic values broadly within Southeast Asia. While focusing predominantly on the governments of Indonesia, Thailand, and the Philippines, this chapter will look at various Southeast Asian states, to examine these questions.

Methodology

I selected these three countries because they are all founding members of ASEAN, and combined, account for nearly 70 percent of the ASEAN population; each has demonstrated significant progress, and some regression, in combatting trafficking in the past 13 years (see Figure 4.4, below), which provides an opportunity to assess what factors correlate with those changes; Thailand and the Philippines are two of only seven United States' mutual defense treaty alliances;⁷ all three have significant economic and strategic value to U.S. interests; and finally, each has charted a unique path towards democracy, and provide opportunities to compare and contrast different policies and political approaches to the challenges of human trafficking.

Hypothesis 1 (H1): States with lower levels of corruption will have improving Trafficking in Persons (TIP) Tier ratings over time.

⁷ The United States has seven active mutual defense treaty alliances: NATO (28 states), the Rio Treaty (18 states), ANZUS (Australia and New Zealand, although New Zealand withdrew in 1985), and four bilateral treaties, with Thailand, the Philippines, Japan, and South Korea.

Corruption is highly correlated to human trafficking (Bales 2006). Transnational terrorist networks as well as human traffickers require document forgers and corrupt officials to facilitate illicit movement of people and materiel; such corrupt criminal activity is corrosive to state and societal security (Keefer 2006). Corruption plays a crucial role in facilitating human trafficking, and directly attacks the soul of society and democracy (Pratt 2004). I anticipate TIP Tier ratings to improve in states that receive lower corruption ratings, as measured by Transparency International's Corruption Perceptions Index (CPI).

To test this hypothesis, I compare the annual TIP Tier ratings of Indonesia, the Philippines, and Thailand, against the Corruption Perceptions Index scores, from 2001 to 2013. I anticipate that these two variables will demonstrate a high level of correlation, but I will specifically test the effect of TIP Tier ratings on corruption levels to measure the overall hypothesis. The U.S. Department of State specifically uses the TIP report as a coercive and normative diplomatic tool to influence the development of human rights regimes. Therefore, the TIP reports should precipitate measureable changes in corruption levels, although changes are likely to be more visible over decades rather than years. My data analysis covers only 13 years, because 2001 was the first year TIP reports were published, pursuant to Public Law (P.Law) 106-386, the Victims of Trafficking and Violence Protection Act of 2000.

Pratt (2004), Bales (2006), and Keefer (2006) have used the CPI ratings in their research, suggesting that it is commonly used and accepted by scholars in the field. Wilhelm (2002) tested the CPI for validity as a measure of public and corporate corruption, finding the CPI highly correlated with other measures of corruption, and that the CPI had the strongest correlation with GDP. Shao et al. (2007) also find a negative correlation between corruption and economic factors; their study validates CPI as a useful measure for research.

Transparency International, the NGO that publishes the CPI, measures corruption on a scale of 1-100, focusing primarily on public sector corruption; then, each country is assigned a global and a regional ranking. I use each individual country's CPI score, not their global or regional rankings, because the scores provide better longitudinal comparison of changing corruption levels within each specific country, independent of differences relative to other countries.

The annual TIP Report assigns one of four ratings to each country evaluated. The report is mandated by P.Law 106-386, the Trafficking Victims Protection Act of 2000, which has been reauthorized four times by the U.S. Congress, as the Trafficking Victims Protection Reauthorization Act (TVPRA), in 2003, 2005, 2008, and 2013. These tiered ratings indicate a state meets minimum specified TVPA standards; the U.S. Department of State specifies that these ratings are not intended to compare one state to another (U.S. Department of State 2013, 410-411). I use these ratings as a metric to test my hypothesis, acknowledging the limitations of the measure. See chapter two of this thesis for additional information on the TVPRA, and for definitions of the TIP Tier rating system, see Appendix 1 at end of this chapter.

Hypothesis 2 (H2): States with more robust human rights regimes will have higher Trafficking in Persons (TIP) Tier ratings.

To test this hypothesis, I examined a list of 33 international human rights and humanitarian law conventions.⁸ I selected the conventions based on the list in the 2013 TIP Report (2013, 405), and expanded on those international conventions by including relevant conventions from Mohamad (2002) and Mohan (2011). I selected this type of data set based on extensive scholarship that identifies East and Southeast Asian states as resistant to human

⁸ For entire list, see Appendix 4.2 at end of this chapter

rights regimes due to concerns such as sovereignty, security, and differing cultural and religious values systems (Poon 2001; Mohamad 2002; Chau 2008; Linton 2008, 482; Jetschke 2011; Simon 2012; Mohamad 2012, 247). Additional scholarship identifies human trafficking, transnational organized crime, and nuclear terror as threats to the Westphalian construct of state sovereignty, and cite human rights as important macro considerations for preserving state sovereignty and the international system (Baker 2007; Forsythe 2012, 21; Scowcroft 2012). These tests for hypothesis two do more to address the robustness of human rights regimes in Southeast Asian states, and provide some insight into how states respond to human trafficking.

I initially took a simple average of how many of the selected conventions each ASEAN country has ratified (see Table 4.1). The second column in table 4.1 lists the percentage of the 33 selected human rights conventions each state has ratified, as of 2012. To further analyze the results, I broke the data out into five separate tables to analyze the data from slightly modified perspectives. Below is an outline of the five tests, followed by a brief description of each test.

- Test 1 (Table 4.2) compares democratic to non-democratic states in Southeast Asia.
- Test 2 (Table 4.3) eliminates two outlier states from test one, Singapore and Cambodia.
- Test 3 (Table 4.4) compares Cambodia, Laos, Myanmar, and Vietnam (CLMV) to non-CLMV ASEAN states.
- Test 4 (Table 4.5) eliminates two outlier states from test three, Singapore and Cambodia.
- Test 5 (Table 4.6) compares wealthiest to poorest ASEAN states.

In test one, I separated the ten ASEAN states into two groups: democratic and non-democratic, and then compared the averages of the five most democratic to the five least

democratic states. Form of government is far more complex than this dichotomous grouping, but this method provides a simple measure to establish a baseline test for the hypothesis. Chapter three emphasized the diversity and complexity of political systems in ASEAN states, so this categorization is blunt, but generally divides along the spectrum of representative governments which hold public elections, to absolute monarchies and single party communist governments. Despite the marked differences between these two groupings of states, test one resulted in a mere four percent difference between how many human rights conventions had been ratified by the selected democratic and non-democratic states. This led me to conduct additional analysis.

It is worth noting that the five states designated as democratic for tests one and two are also the five original ASEAN member countries, which established the association in 1967. I did not select these five states to represent the democratic unit of analysis based on their founding membership in ASEAN; in that sense, the relationship is spurious. On the other hand, the factors that influenced delayed entry into the association of the remaining five states are likely among the same factors that delineated these as non-democratic.

In test two, I utilized the same groupings as test one, but eliminated two outlier states, Singapore and Cambodia. I eliminated Singapore as an outlier due to its lowest ratification ratio, which might indicate a highly repressive state. I would expect the lowest scoring states to be in the company of non-democratic states that are routinely found in the bottom quartile of global measures, such as North Korea, Sudan, or Papua New Guinea. This assumption stands in stark contrast to Singapore's ranking in the top quartile of most international ratings, ranging from socio-political ratings such as Freedom House's measures of political freedom and civil liberties, and Transparency International's Corruption Perceptions Index

(see Chapter 3), to economic and development ratings, such as the World Bank's Ease of Doing Business rankings and the World Economic Forum's Global Competitiveness Reports. Singapore is often in the top 5-10 globally, placing it above other top quartile peers, such as the United States, France, or Great Britain. By this and other measures of democracy, Singapore is far more responsive to the needs of its people than are Myanmar, Vietnam, or Laos.

I selected Cambodia for elimination as an outlier on the non-democratic side in test two, despite its ranking as the second highest among ASEAN states for ratifying human rights conventions and instruments, for many of the same reasons as Singapore; Cambodia routinely ranks poorly on these same measures.

Table 4.1 Percentage of International Human Rights and Humanitarian Law Conventions Ratified, ASEAN states*

Country	Percentage ratified
Brunei	30%
Cambodia	79%
Indonesia	55%
Laos	48%
Malaysia	33%
Myanmar	30%
Philippines	82%
Singapore	27%
Thailand	52%
Vietnam	45%

*Percentage of ratifications, by country, of 33 core international and United Nations human rights and humanitarian law conventions and instruments, as of 2012. See Appendix 4.2 for complete list.

Table 4.2 Test #1, Compare Ratification Rate of Human Rights Conventions between 5 Nominally Democratic, 5 Non-democratic states in Southeast Asia*

Country	Percentage ratified	
Philippines	82%	nominally democratic states average ratification percentage: 50%
Indonesia	55%	
Thailand	52%	
Malaysia	33%	
Singapore	27%	
Cambodia	79%	non-democratic states average ratification percentage: 46%
Laos	48%	
Vietnam	45%	
Brunei	30%	
Myanmar	30%	
		Difference: 4%

*The countries identified as nominally democratic are also the original ASEAN member states. This is a spurious relationship, and was not initially intended. Identifying these states as “democratic” is problematic; these states are nominally democratic, when compared to the remaining five states.

Table 4.3 Test #2: Compare Ratification Rate of Human Rights Conventions between Nominally Democratic and Non-democratic ASEAN states; eliminates the outliers from test #1, Cambodia and Singapore

Country	Percentage ratified	
Philippines	82%	nominally democratic states average ratification percentage: 56%
Indonesia	55%	
Thailand	52%	
Malaysia	33%	
Singapore	27%	
Cambodia	79%	non-democratic states average ratification percentage: 38%
Laos	48%	
Vietnam	45%	
Brunei	30%	
Myanmar	30%	
		Difference: 18%

Table 4.4 Test #3: Compare Ratification Rate of Human Rights Conventions between Cambodia, Laos, Myanmar, and Vietnam (CLMV) vs non-CLMV states in Southeast Asia

Country	Percentage ratified	
Philippines	82%	ratification percentage of non-CLMV states: 47%
Indonesia	55%	
Thailand	52%	
Malaysia	33%	
Brunei	30%	
Singapore	27%	
Cambodia	79%	ratification percentage of CLMV states: 51%
Laos	48%	
Vietnam	45%	
Myanmar	30%	
		Difference: - 4%

Table 4.5 Test #4: Compare Ratification Rate of Human Rights Conventions between Cambodia, Laos, Myanmar, and Vietnam (CLMV) vs non-CLMV states in Southeast Asia, eliminate outliers (Cambodia/Singapore) from test #3

Country	Percentage ratified	
Philippines	82%	ratification percentage of non-CLMV* states: 51%
Indonesia	55%	
Thailand	52%	
Malaysia	33%	
Brunei	30%	
Singapore	27%	
Cambodia	79%	ratification percentage of CLMV** states: 41%
Laos	48%	
Vietnam	45%	
Myanmar	30%	
		Difference: 10%

* eliminate Singapore from non-CLMV

** eliminate Cambodia from CLMV

Table 4.6 Test #5: Compare Ratification Rate of Human Rights Conventions between Wealthiest vs Poorest ASEAN states, 2012 IMF GDP estimates*

Country	Percentage ratified	
1. Singapore	27%	wealthiest states: 39%
2. Brunei	30%	
3. Malaysia	33%	
4. Thailand	52%	
5. Indonesia	55%	
6. Philippines	82%	poorest states: 57%
7. Vietnam	45%	
8. Laos	48%	
9. Cambodia	79%	
10. Myanmar	30%	
		Difference: -18%**

*Wealthiest and poorest ASEAN states, per IMF 2012 estimates of GDP per capita

** Negative correlation between per capita GDP and percentage of human rights conventions ratified.

In test three, I separated ASEAN states as CLMV and non-CLMV, an informal but common grouping amongst economic and development analysts who study Southeast Asia. The CLMV states are Cambodia, Laos, Myanmar, and Vietnam, which are also the four poorest and least developed countries (see Table 4.6). Similar to test one, test three resulted in only 4 percent difference, and surprisingly a negative correlation, so for test four, I eliminated the same outlier states, Singapore and Cambodia. For test five, the final test for hypothesis two, I divided the five wealthiest from the five poorest ASEAN states, based on the International Monetary Fund's 2012 per capita GDP estimates (World Bank 2014).

I limited my analysis to the ten ASEAN states to maintain a tight focus on Southeast Asia. Future analysis will benefit from broader comparison with other sub-regions. Additionally, both variables, TIP Tier ratings and percentage of international human rights conventions ratified, are broad categories. Rates of ratification are themselves complex, and

TIP Tier ratings are not designed for comparison between countries. Nevertheless, both variables are important factors, and are useful in the broader context of analysis.

Hypothesis 3 (H3): Countries that are more democratic will have better human rights records and/or institutions.

I anticipate finding higher TIP Tier ratings in countries with better democratic institutions. To test this hypothesis, I use the Freedom House measures of political rights and civil liberties as proxies of democracy. I use Logit to determine the veracity of each of these two variables. I created this data set utilizing 47 countries from the Indo-Asia-Pacific, expanding beyond the ten ASEAN countries to ensure the data set was large enough to provide statistical significance. I use TIP Tier ratings for the dependent variable (DV), creating a dummy variable by aggregating Tier 1 and Tier 2, against the second category of Tier 2 Watch List and Tier 3. I created a dummy variable due to the nonlinearity of the four-category TIP Tier system. I use Freedom House's 2013 Political Rights and Civil Liberties scores for the independent variable (IV), to measure democracy in each state.

Scholars disagree on how best to measure or define democracy, and these measures are contentious and difficult to quantify. Nevertheless, scholars and political leaders, including political and social scientists, economists, and historians, for decades have linked democracy with human rights (Lipset 1959; Hirschman 1978; Vanhanen 2003; Ferguson 2011; Marshall and Gurr 2013). Further defining democracy, or the best measures of democracy, is beyond the scope of this study.

As Table 4.7 demonstrates, this model indicates that having a democratic government is a reliable predictor of TIP Tier rating 81% of the time. The model is statistically significant.

Table 4.7. Political Rights Strongly Predict TIP Tier Rating.

		Variables in the Equation				
		B	S.E.	Wald	Sig.	Exp(B)
Step 1 ^a	Pol.Rights.2013	.773	.221	12.213	.000	2.167
	Constant	-4.167	1.174	12.608	.000	.015

a. Variable(s) entered on step 1: Pol.Rights.2013.

Dependent Variable (DV): 2013 TIP Tier Rating of 47 countries. DV converted into a dummy (bivariate) variable, aggregating Tier 1 & 2 against Tier 2WL and Tier 3.

Independent Variable (IV): 2013 Political Rights and Civil Liberty scores, from Freedom House, retrieved from <http://www.freedomhouse.org/report-types/freedom-world>

Nagelkerke R²: .50

Model X² = 20.75, Sig = .00

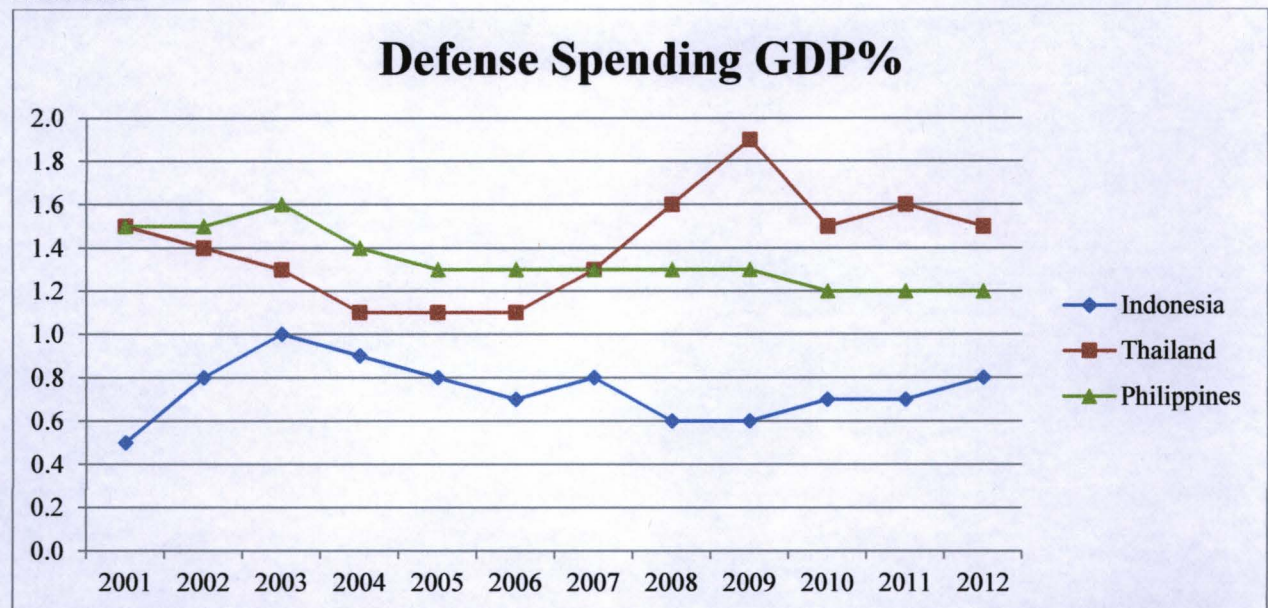
Percent correct = 80.9%

Hypothesis 4 (H4): States with increased growth in defense spending, as a percentage of GDP, will have lower Trafficking in Persons (TIP) Tier ratings.

To test this hypothesis I analyze defense spending as a percentage of GDP for Indonesia, Thailand, and the Philippines, from 2001 through 2012. I use the Stockholm International Peace Research Institute's (SIPRI) 2013 "SIPRI Military Expenditure Database." SIPRI provides data on 171 countries, but notes the difficulty of consistently accurate information for comparison between countries. For example, the database note on Indonesia clarifies that some defense funding is not reflected, due to extensive Army participation in the economy through control of various foundations, enterprises, and cooperatives. Because I primarily analyze three states to test this hypothesis, I have not conducted extensive comparison. Therefore, analysis of results from this study should not be extrapolated broadly without further study of available data, although SIPRI does provide additional analysis globally and regionally.

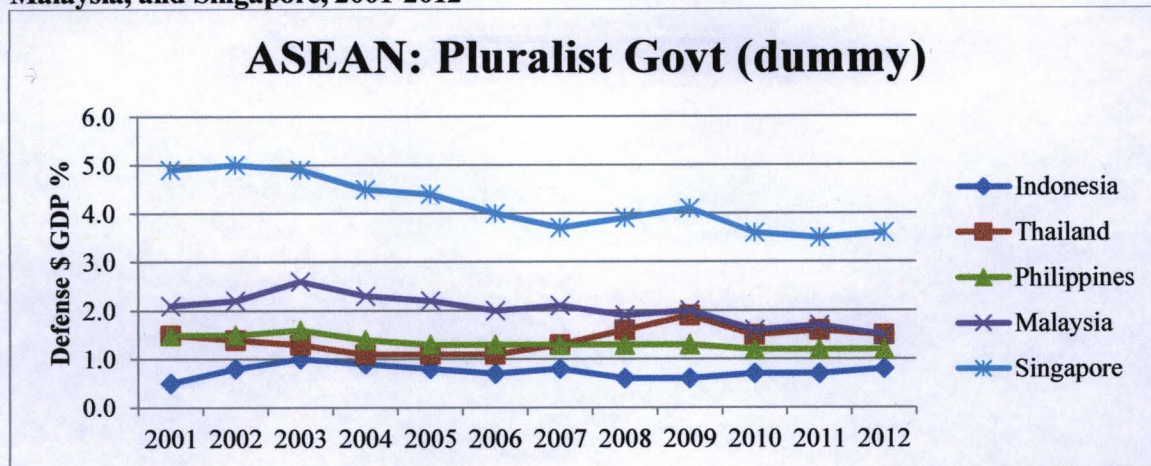
The countries displayed in Figures 4.2 and 4.3 are the same as the countries represented in Table 4.2, which presents test one of hypothesis one, separating the ten ASEAN member states between the most democratic versus the five least democratic states. I conducted this limited analysis of defense spending to observe whether corruption, democracy, and defense spending measures trended together.

Figure 4.1. Defense Spending as a Percentage of GDP for Indonesia, Thailand, and Philippines 2001-2012



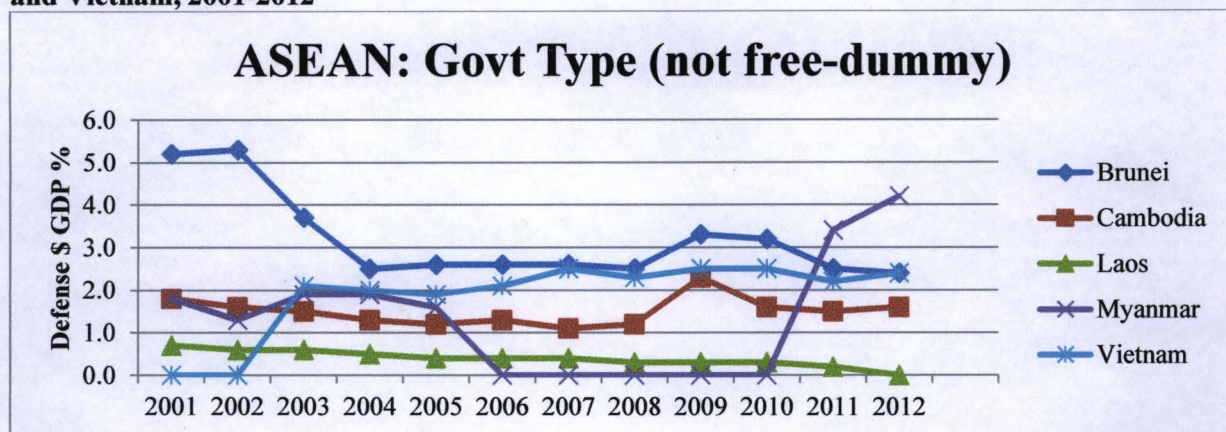
Source: Author derived data from the Stockholm International Peace Research Institute (SIPRI), the 2013 "SIPRI Military Expenditure Database."

Figure 4.2. Defense Spending as a Percentage of GDP for Indonesia, Thailand, Philippines, Malaysia, and Singapore, 2001-2012



Source: Data derived by author from the Stockholm International Peace Research Institute (SIPRI), the 2013 "SIPRI Military Expenditure Database."

Figure 4.3. Defense Spending as a Percentage of GDP for Brunei, Cambodia, Laos, Myanmar, and Vietnam, 2001-2012



Source: Data derived by author from the Stockholm International Peace Research Institute (SIPRI), the 2013 "SIPRI Military Expenditure Database."

Discussion and Findings

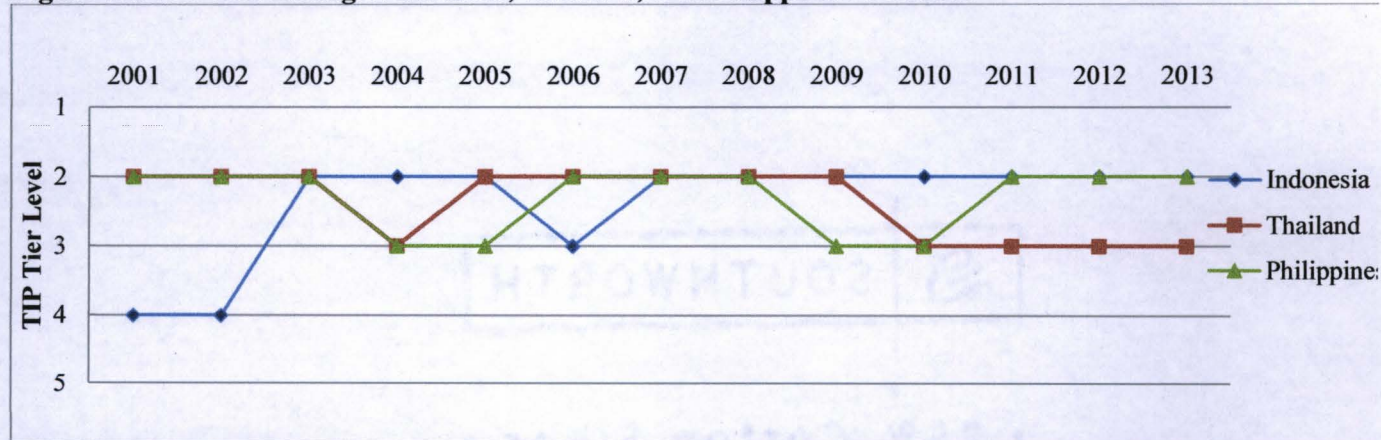
I argue that several key factors are highly critical in countering human trafficking, and hence combatting the violation of human rights and human security.

Hypothesis 1 (H1): States with lower levels of corruption will have improving

Trafficking in Persons (TIP) Tier ratings over time.

The dependent variable, the TIP tier ratings of the three states under study, range between Tier 2 and Tier 2 Watch List (WL); Singapore is the only ASEAN country during this 13 year period to attain a Tier 1 rating, and only in 2006. The key takeaway from figure 4.4 is the general trending upwards for Indonesia and the Philippines, demonstrating improvement in their policy approach to combatting human trafficking, by sustaining tier two for seven and three years respectively. Conversely, Thailand's rating has dropped in recent years, having not achieved a tier two rating since 2009. This drop indicates that the government of Thailand was losing ground against human trafficking in the years since 2009, relative to previous years. Incidentally, Thailand also experienced a marked increase in defense spending, beginning in 2006 and peaking in 2009, as demonstrated in figure 4.1, earlier in this chapter.

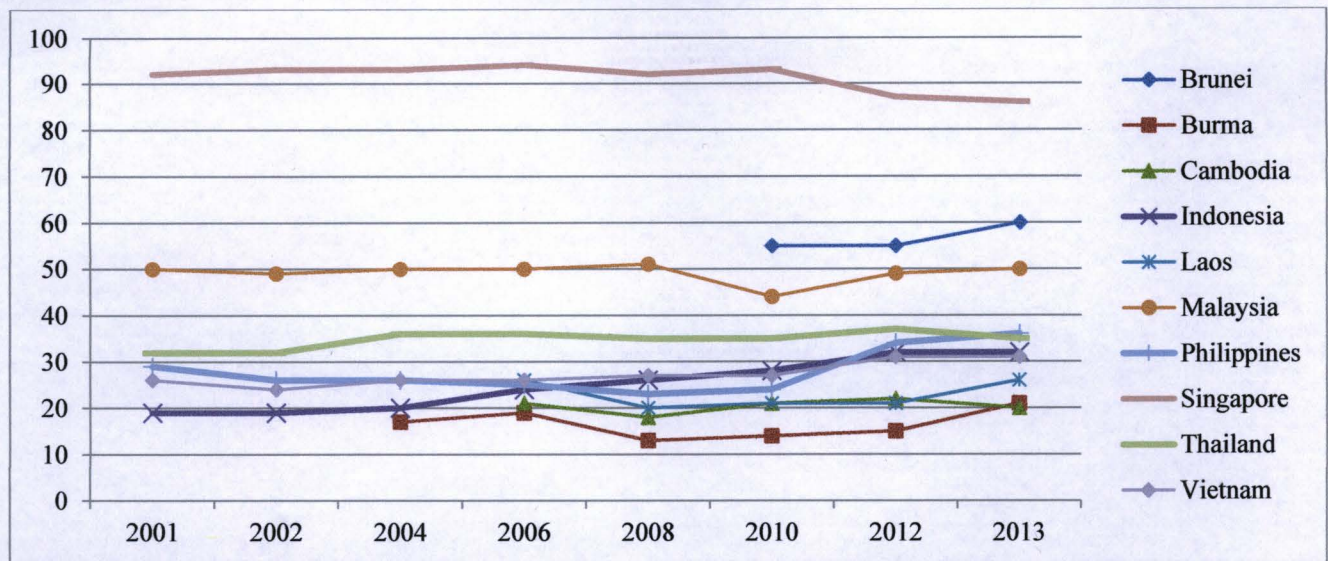
Figure 4.4. TIP Tier Ratings: Indonesia, Thailand, and Philippines 2001-2013



Source: U.S. Department of State Trafficking in Persons Reports, 2001-2013.

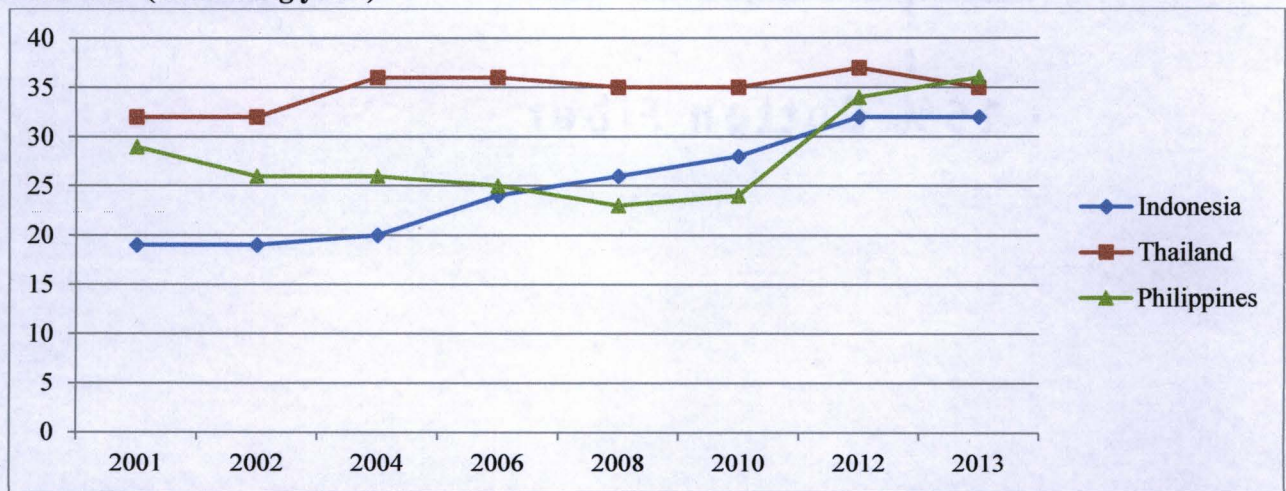
- On the vertical axis, 3 represents Tier 2 WL, while 4 represents Tier 3, the worst rating possible. On the graph, an ascending line is good, descending is bad.

Figure 4.5. Corruption Perceptions Index, Southeast Asia, 2001-2013 (alternating years)



Source: Transparency International Reports. See <http://cpi.transparency.org/cpi2013/>

Figure 4.6. Corruption Perceptions Index, Indonesia, Thailand, and Philippines 2001-2013 (alternating years)



Source: Transparency International Reports. See <http://cpi.transparency.org/cpi2013/>

Hypothesis one, which states that lower levels of corruption will lead to improving TIP Tier ratings over time, appears to be at least partially correct. Establishing effective laws and institutions to confront trafficking does appear to follow the trend of corruption, as measured by Transparency International's Corruption Perceptions Index.⁹ See Figure 4.5 for

⁹ Data available from <http://www.transparency.org/cpi2012/results>

CPI trend data for Southeast Asian countries from 2001-2013, the period of analysis for this hypothesis. Figure 4.6 provides graphic representation of CPI trend data specifically of the three primary states this chapter studying.

Given that Indonesia entered the TIP tier ratings at tier three, I would expect their corruption ratings to be lower than those of Thailand and the Philippines, as well. Figure 4.4 indicates that public perceptions of corruption may be more difficult to assess than anticipated, in correlation with human trafficking counter-measures. Thailand's CPI score lags the TIP tier decline by several years; while Thailand dropped to the Tier Two Watch List in 2009, their CPI did not register a decline until 2012. This finding may indicate an opposite effect than anticipated; corruption perceptions appear to respond to TIP Tier ratings, not precede them. Regardless, the variables do appear to be correlated.

One explanation for this lag is the type of data used for each measure, the CPI and TIP Tier ratings. CPI is based on perceptions across the public, corporate, and private sectors, where we can reasonably expect perceptions to shift slowly, as people and businesses that bear the costs of corruption demand evidence of reform before adjusting their expressed views. Conversely, TIP Tier ratings are calculated by a smaller group of diplomats and government officials, who generally have greater access to information, have diplomatic tools of coercion and incentivization at their disposal, and who view their final assessment as qualitative analysis as well as a political tool to influence policy in the targeted state. Hence, TIP Tier ratings are likely to be more responsive to incremental improvements than broader public opinion. Finally, the TIP Tier ratings are based on criteria mandated by public law, while public perceptions are influenced by broader and less standardized criteria.

In retrospect, this finding is logical, as corruption perceptions are multifaceted, and are unlikely to respond immediately or with significantly measureable effect unless in response to a major event. Nevertheless, the correlation is evident. This hypothesis bears out when analyzing broader institutionalization of human rights and human trafficking regimes, supporting the research of Bales (2006), which identified a strong and statistically significant correlation between human trafficking and corruption. An important distinction must be acknowledged; corruption disproportionately threatens those who are least equipped to defend themselves from exploitation, such as the poor and low-wage workers. Conversely, corruption benefits those most able and willing to profit from it. This distinction illustrates the importance of measuring government corruption as a predictive factor in human trafficking, as well as a risk factor for national security threats.

The Indonesian government estimates that it has at least five or six million citizens who work overseas; there are currently as many as eight million Philippino foreign workers, nearly 10 percent of their population (Meissner 2013; Department of State 2013).¹⁰ The majority of these workers are poor, traveling to foreign lands in search of work to support their families. In recent years both countries have made significant efforts to protect their citizens who work abroad. Indonesia briefly declared a moratorium on migrant laborers going to Saudi Arabia due to frequent reports of brutality and slave-like conditions, and the summary execution of an Indonesian domestic laborer (al-Alawi 2011). The Government of the Philippines has been an international leader recently in developing policies and diplomatic mechanisms to protect their migrant workers, which is no small task for a poor nation with estimates of nearly 10 percent of their population working abroad.

¹⁰ Also see “World Report 2012: Indonesia,” published by Human Rights Watch, retrieved from http://www.hrw.org/sites/default/files/related_material/indonesia_2012.pdf

Thailand, on the other hand, has been distracted by bouts of civil unrest since the 2006 military coup that ousted then-Prime Minister Thaksin Shinawatra (Department of State 2007). Thailand has experienced a series of political, social, and economic crises in recent years that have hindered its ability to govern efficiently as well as hindering public perceptions of the government. This level of political instability has drawn a great deal of resources and attention away from the work of effective governance, towards internal stability and security.

Hypothesis 2 (H2): States with more robust human rights regimes will have higher Trafficking in Persons (TIP) Tier ratings. (higher TIP Tier ratings are good)

Such a simple test provides some initial indication, but requires further analysis. The hypothesis was marginally supported by test one, as the five states listed as *democratic* ratified 50% of the UN human rights conventions, while the *non-democratic* states ratified 46%. As the previous research suggested, the Philippines ratified the most, at 82%, or 27 of the 33 conventions. Unexpectedly, the close second was Cambodia, a decidedly undemocratic, violent, and highly corrupt country, especially when measured in terms of corruption or political freedom.

A second state accounted for much of the additional convergence; Singapore ratified only 27%, the lowest rate in ASEAN member states. Singapore has certainly demonstrated at best a guided democracy history, especially in the tumultuous early decades of the 1950s-1970s (Lee 2000). Yet, the other measures I have used in this study find Singapore routinely at the top, not just regionally, but globally. Singapore rates in the top 5-10% of many international indices in recent years, from corruption perceptions to ease of doing business, and their success at lifting the nation out of poverty has been nothing short of amazing,

especially in the context of the rough neighborhood in which the tiny nation-state grew up (Allison and Blackwill 2013; Caplan 2013).

Ratification of liberal legislation does not a liberal government make, as Cambodia demonstrates. National and international human rights regimes are impacted by a multiplicity of factors, complicating predictions of human rights outcomes, whether a state ratifies human rights legislation or not. Nevertheless, we can dissect elements of this complexity through quantitative and qualitative analysis.

Test two provided the strongest support for the hypothesis, eliciting a positive correlation and an 18 percent difference between the democratic and non-democratic states. Comparing results from tests one and two reveals several important findings. First, the impact of outliers can heavily influence quantitative analysis. Such data is of limited value, except in context of a more comprehensive examination. The second finding is compelling qualitative evidence in support of the hypothesis. Indonesia is a young democracy (see chapter three) that faces significant economic, geographic, and political challenges, and yet ranked third of all ten ASEAN member states, on this measure. Likewise, Indonesia has maintained a TIP Tier two rating, even as Thailand and Malaysia both dropped to Tier three in 2014 (U.S. Department of State 2014). This is more remarkable when viewed in context of the resistance to international human rights institutions.

As evidence of this policy preference towards sovereignty, see Indonesia's caveat to the 2000 Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime.

“...the Government of the Republic of Indonesia declares that the provisions of Article [1]5 paragraph (2) Sub-paragraph c of the Protocol will have to be implemented in strict compliance with the principle of the sovereignty and territorial integrity of a state;...” Article 15 paragraph (2) provides for dispute arbitration through the International Court of Justice when parties fail to resolve a dispute. Malaysia completely exempted themselves from Article 15 (2), when ratifying this protocol in 2009, and Thailand declared, “[I]n accordance with paragraph 3 of Article 15 of the Protocol, the Kingdom of Thailand does not consider itself bound by paragraph 2 of the same Article (United Nations 2000).”

Test three, which compared Cambodia, Laos, Myanmar, and Vietnam, or the CLMV states, to the non-CLMV states of ASEAN, in an effort to observe the impact of development on ratification rates. This test divided ASEAN states similar to test one, but shifted Brunei to the first group, which in test one was labeled more democratic. The non-CLMV states are comparatively more developed than CLMV, and Brunei is the wealthiest state amongst ASEAN, except for Singapore.

Brunei is a unique case. By far the smallest state in ASEAN, with a population of less than 500,000, and a land mass larger than Singapore alone, Negara Brunei Darussalam, or the Nation of Brunei, Abode of Peace, is an absolute monarchy ruled by Islamic law. Brunei is a well-developed and oil-wealthy state, with the second highest per capita GDP in Asia, yet Bruneian law allows death by stoning for adultery. An in-depth study of Brunei is beyond the scope of this study, but this brief overview helps illustrate the complexity of Southeast Asia, in terms of human rights human trafficking, and human security.

Despite the modification of test three from test one, the test resulted in virtually no difference in ratification rates. Test four, which eliminated the outlier states from test three,

elicited a ten percent difference in ratification rates, demonstrating that the CLMV test was no stronger than the original democratic versus non-democratic state tests. Test five, on the other hand, provided a strong and surprising result. When dividing the ten ASEAN states along per capita GDP lines, I found a strong negative correlation between wealth and percentage of human rights conventions ratified.

Hypothesis 3 (H3): Countries that are more democratic will have better human rights records and/or institutions.

Democracy promotion is a core element of United States foreign policy, as articulated in the 2010 National Security Strategy (Obama 2010). The United States often articulates democratic values as vital for improving national security as well as human rights. Hence, the annual Trafficking in Persons reports prescriptively emphasize democratic institutions in response to human trafficking threats. I anticipated finding higher TIP Tier ratings in countries with better democratic institutions.

This hypothesis supports the broader theory that democracy is a determinant of human rights; political scientists have posited this view for many decades. Lipset (1959, 90-91) argued that democracies with high levels of legitimacy and effectiveness were more stable than illiberal ones. Hirschman (1978, 105) notes that human rights and democratic liberties are public goods that make a society more resilient and attractive to its citizens. Rose and Shin (2001) find that states with effective rule of law, robust institutions, and a system of checks and balances to restrain government are associated with more stable democracies.

Scholars disagree on how best to measure or define democracy, and these measures are contentious and difficult to quantify. Nevertheless, scholars and political leaders, including political and social scientists, economists, and historians for decades have linked

democracy with human rights (Lipset 1959; Hirschman 1978; Vanhanen 2003; Ferguson 2011; Marshall and Gurr 2013). Further defining democracy, or the best measures of democracy, is beyond the scope of this study.

As Table 4.7 demonstrates, this model indicates that having a democratic government is a reliable predictor of TIP Tier rating 81% of the time. The model is statistically significant.

Hypothesis three provides the strongest support for this thesis. This hypothesis tests one measure of democracy; future research will benefit from broadening this test longitudinally, and by expanding the data set to include additional regions and sub-regions. For example, comparing ASEAN states to NATO states, as well as to South Asian and Eastern European states, would further test this method of measuring democracy, as well as providing broader global comparison data. Additionally, future research could apply different measures of democracy to the same DV, such as religious freedom, defense spending (as a percentage of GDP), economic measures, ethnic diversity. Future research might include variables based on extant models, such as Democratic Peace Theory or Singer's *Correlates of War*.

Hypothesis 4 (H4): States with increased growth in defense spending, as a percentage of GDP, will have lower Trafficking in Persons (TIP) Tier ratings.

I conducted this limited analysis of defense spending as a corollary to hypothesis one, to observe whether the corruption, democracy, and defense spending measures trended together. As Table 4.4 indicates, Thailand's defense spending increased rapidly, and remained higher than both Indonesia and the Philippines, during the period of analysis.

Thailand increased its defense spending significantly between 2006-2009, which began the same year Thailand experienced its 12th military coup since 1932.

Myanmar stands out as a second anomaly in Figure 4.3, as illustrated in their defense spending spike beginning in 2010. Turnell (2008, 959) finds evidence over a period of decades in Myanmar that military spending has consumed much of the country's resource wealth, leaving little for effective governance. Turnell finds a negative correlation between military rule and providing opportunities or security for its people. While spending more than twice the amount on military than on health care and education combined, Turnell notes that the last year Myanmar had a budget surplus was 1962, the same year the military junta took control, ending any nascent democratic institution development (p 964).

Hypotheses one, two, and four find Myanmar at the lower end of the measures for corruption, ratification of international human rights conventions, and maintaining defense spending increases based on GDP. These are illustrated in Figure 4.5, where Myanmar trails all other ASEAN states in the Corruption Perceptions Indexes, from 2001-2013; in Table 4.2, finding Myanmar tied with Brunei for the lowest level of ratification of international human rights conventions (with the exception of the outlier Singapore, which is explained earlier in this chapter); and finally in Figure 4.3, which illustrates a jump in defense spending that outpaces nearly all other ASEAN states. Tom Malinowski, the Washington Director of Human Rights Watch, provided testimony to the U.S. Congressional Tom Lantos Human Rights Commission, noting that the newly developing democratic government institutions have no power over the military, contrasting the helplessness of the president to the continued brutal repression of multiple minority groups throughout the country (U.S. Congress. 2013. Tom Lantos Human Rights Commission; 109).

Conclusion

In this study I have conducted comparative analysis of three ASEAN state responses to the annual U.S. Department of State Trafficking in Persons reports. Specifically, I examined Indonesia, the Philippines, and Thailand, their progress, failures, and challenges in confronting human trafficking. I utilized selected quantitative data to observe these three states within their ASEAN context, as well as contrasted against a broader set of 47 countries.

This research supports the hypothesis that states with improving TIP Tier ratings will over time have lower levels of corruption. This conclusion is logical, using human rights as a proxy for a state's interest in representing its people, which requires codifying rule of law, but specifically developing such rules-based measures for the good of the society, not simply the survival or profit of the ruling elites.

Hypothesis two examined several variables for their correlation with ratification of international human rights and humanitarian law conventions and instruments, and found that democratic states are more likely to ratify. Additionally, hypothesis two found that low per capita GDP is correlated with higher ratification rates. Tests two and five provided the strongest correlation, indicating with little surprise that we can expect states that are more democratic to ratify international human rights conventions more frequently, but more surprising is the indication that outliers might be predicted better by their per capita wealth or poverty. This finding may indicate that poor states view international human rights regimes as greater upside opportunity, with limited downside risk, similar to the model of antifragility (Taleb 2012). Such upside and downside calculations may indicate that poor states view international instruments as useful mechanisms to gain legitimacy, while their relative lack of

resources provides some marginal explanation when they are held to account to those same commitments.

Future research of this hypothesis might take a longitudinal analysis, complemented by more in-depth case studies, focusing on outlier states that vary significantly from predicted outcomes. Likewise, the third hypothesis proved statistically significant and robust. Democracy can be predicted based upon the human rights record of a state. I have analyzed these cases to gain a better understanding of Southeast Asian states and their role in regional and global human trafficking, in the context of trafficking presenting a threat both to human security and national security. In both cases, trafficking is destabilizing and undermines democracy and sovereignty; an argument that every ASEAN government should find compelling.

Appendixes

Appendix 4.1 Definitions of Trafficking in Persons (TIP) Tier ratings

Tier 1- Countries whose governments fully comply with the TVPA's minimum standards for the elimination of trafficking.

Tier 2- Countries whose governments do not fully comply with the TVPA's minimum standards but are making significant efforts to bring themselves into compliance with those standards.

Tier 2WL- Countries where governments do not fully comply with the TVPA's minimum standards, but are making significant efforts to bring themselves into compliance with those standards, and:

1. the *absolute number* of victims of severe forms of trafficking is very significant or is significantly increasing;

2. there is a failure to provide evidence of *increasing efforts* to combat severe forms of trafficking in persons from the previous year, including increased investigations, prosecution, and convictions of trafficking crimes, increased assistance to victims, and decreasing evidence of complicity in severe forms of trafficking by government officials; or
3. the determination that a country is making significant efforts to bring itself into compliance with minimum standards was based on commitments by the country to take *additional steps over the next year*.

Tier 3- Countries whose governments do not fully comply with the TVPA's minimum standards and are not making significant efforts to do so.

Due to changes in the *William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008*, Section 107 (Hereafter TVPRA 2008), a country that remains on Tier 2 Watch List for a third consecutive year must automatically be downgraded to Tier 3. The president may waive the automatic downgrade for up to two additional years, but after four years on the Tier 2 Watch List, a country must be auto-downgraded to Tier 3, unless upgraded to Tier 2.

Source: Department of State (DoS) Trafficking in Persons (TIP) Report (2013, 44)

Appendix 4.2 List of core International and United Nations Human Rights and Humanitarian Law Conventions and Instruments

**	UN Protocol to Prevent, Suppress & Punish Trafficking in Persons
*	ILO Convention 182, Elimination of Worst Forms of Child Labor
**	Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography
**	Optional Protocol to the Convention on the Rights of the Child in Armed Conflict
*	ILO Convention 29, Forced Labour
*	ILO Convention 105, Abolition of Forced Labour
	Convention on the Prevention and Punishment of the Crime of Genocide

	Convention on the Elimination of all forms of Racial Discrimination
	International Covenant on Civil and Political Rights (ICCPR)
	Optional Protocol to the International Covenant on Civil and Political Rights (ICCPR)
	Second Optional Protocol to the International Covenant on Civil and Political Rights (ICCPR), aiming at the abolition of the death penalty
	International Covenant on Economic, Social and Cultural Rights (ICESCR)
	Optional Protocol to the International Covenant on Economic, Social and Cultural Rights (ICESCR)
	Convention on the Elimination of all forms of Discrimination Against Women (CEDAW)
	Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)
	Convention Against Torture, and Other Cruel, Inhuman or Degrading Treatment or Punishment
	Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
	Convention on the Rights of the Child
**	Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in armed conflict
**	Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography
	Rome Statute of the International Criminal Court
	International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families
	Convention on the Rights of Persons with Disabilities
	Optional Protocol to the Convention on the Rights of Persons with Disabilities
	International Convention for the Protection of All Persons from Enforced Disappearance
	1949 Geneva Convention (I) for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field
	1949 Geneva Convention (II) for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea
	1949 Geneva Convention (III) Relative to the Treatment of Prisoners of War
	1949 Geneva Convention (IV) Relative to the Protection of Civilian Persons in Time of War
	1977 Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I)
	1977 Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II)
	2005 Protocol additional to the Geneva Conventions of 12 August 1949, and relating to the Adoption of an Additional Distinctive Emblem (Protocol III)
	United Nations Convention against Transnational Organized Crime
**	Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children
	Protocol against the Smuggling of Migrants by Land, Sea and Air
	1951 Convention relating to the Status of Refugees and the 1967 Protocol

	1954 Convention relating to the status of Stateless Persons
	1961 Convention on the Reduction of Statelessness
	UNESCO Convention against Discrimination in Education

* TIP 2013, p 405, Relevant International Conventions

** listed in both the 2013 TIP Report, and Mohan (2011)

Source: List compiled by author, based on three sources: Mohamad (2002), Mohan (2011), and the 2013 TIP Report (2013, 405).

Chapter 5. Conclusion

President Obama's 2015 National Security Strategy affirmed that democracy and human rights are essential foundations to long-term security and prosperity. Obama infused the importance of leadership throughout this latest national security strategy, which underlines the importance of policy in effectively shaping and enabling a global ecology of democratic regimes.

"Underpinning it all, we are upholding our enduring commitment to the advancement of democracy and human rights and building new coalitions to combat corruption and to support open governments and open societies."

~ President Barack Obama, in his February 2015 *National Security Strategy*

Several scholars and national security experts have recently linked human trafficking and national security (Shelley 2010; Rizer and Glaser 2011; Clapper 2012; Rosental 2013). Nevertheless, a review of literature confirmed that trafficking continues to be viewed primarily as a human rights issue, or more narrowly as a border security issue, but rarely as both (Bales and Soodalter 2009; DeStefano 2008; Rizer and Glaser 2011; Ban Ki-moon 2012). This dichotomy raises the question of whether current policies effectively address both the national security and human rights concerns of human trafficking. Therefore, in this study I sought to assess the effectiveness of various policy approaches to human trafficking.

In seeking to better understand policy responses to human trafficking, I conducted a mixed methods analysis of available data to examine three levels of government response to trafficking; domestic, regional/international, and foreign domestic measures. Specifically, this study examined how the United States Senate develops anti-trafficking legislation, how human rights regimes are developing within the Association of Southeast Asian Nations (ASEAN), and how specific Southeast Asian nations have responded to the annual Department of State Trafficking in Persons report. In doing so, this thesis provides a multi-tiered analysis of human trafficking and an array of governmental entity responses to this growing security challenge.

The second chapter found a more nuanced correlation regarding United States Senator's policy preferences towards national security and human rights, than did Avery and Forsythe (1979). During the 112th and 113th Congresses, liberal senators did tend to emphasize human rights aspects of trafficking legislation, focusing heavily on the exploitation of women and children. Conversely, conservative senators often emphasized border security and fiscal responsibility. These areas of emphasis confirm earlier findings of Avery and Forsythe, but the case study of S.1301, the *Trafficking Victims Protection Reauthorization Act of 2011*, and S.47, the *Violence Against Women Reauthorization Act of 2013*, found that conservatives were also actively involved in human trafficking legislation. Several conservative members of Congress led their peers in sponsoring legislation that targets human trafficking.

While this study found little evidence of members of Congress (MC) directly associating human trafficking as a national security interest, the study does indicate that MC are more nuanced in their understanding of human rights and national security, certainly

compared to the findings of Avery and Forsythe. Likewise, Congress appears less divided on the issue of human trafficking than recent analysis of Congressional polarization might suggest (Matthews 2013; Dimock, Kiley, Keeter, and Doherty, 2014; McCarty 2014).

To better understand regional and international responses to human trafficking, I examined the process that led to the ASEAN Human Rights Declaration. ASEAN unanimously signed the ASEAN Human Rights Declaration in 2012, providing an excellent case to study the development of human rights regimes in the region. I applied Young's (1982) model of regime dynamics to analyze what factors influence the development and effectiveness of those regimes. This study fills a gap in the literature, as no research has yet applied Young's model of regime dynamics to ASEAN, and little research has studied ASEAN and its passage of the ASEAN Human Rights Declaration.

The study confirms that Southeast Asia does have a growing ecology of human rights regimes, both in government and in civil society. While rhetoric continues to dominate the institutions of ASEAN and its member states, civil society in Southeast Asia is growing more robust and active on issues of human rights. Likewise, the study finds support for the normative influence of public pressure, and the accompanying political rhetoric.

Contrary to my hypothesis, I found little evidence that Indonesia exerted hegemonic influence over the drafting and passage of the ASEAN Human Rights Declaration (AHRD), indicating that the state is becoming less authoritarian, and utilized more negotiating and bargaining tools within regional institutions, at least within the scope of this study.

Finally, this chapter found strong evidence of China exerting external hegemonic influence over the ASEAN Human Rights Declaration proceedings, but little evidence of the United States doing the same. In the context of this period of analysis, the 2012 ASEAN

Human Rights Declaration case study supports the hypothesis of chapter two, as the United States demonstrated minimal influence over the ASEAN Human Rights Declaration, despite the heavy emphasis on human rights and international institutions in United States foreign policy. During the period of study, the United States instead directed greater attention to security concerns in the region, as China exerted hegemonic power in the South China Sea and displayed aggressive action throughout the region. This finding does not necessarily contradict the hypothesis that the United States would also exert hegemonic power in seeking to impose its will over development of the ASEAN Human Rights Declaration (Young 1982). On the contrary, it may lend support to the earlier indication that more hawkish policy makers tend to neglect human rights when they believe there is a more pressing national security issue at stake (Avery and Forsythe 1979, 307).

The fourth chapter utilizes comparative analysis to examine democracy and human rights in Southeast Asia by evaluating how different states respond to the annual Trafficking in Persons reports, and what factors influence TIP Tier ratings. In an effort to analyze how different government entities are responding to the challenge of human trafficking, and what aspects of governance and diplomacy demonstrate effectiveness, I sought to answer the following questions: Does the Department of State Trafficking in Persons Report effect change on other states? I analyzed selected data to test four hypotheses designed to assess: factors of corruption perceptions, ratification rates of international human rights conventions, measures of democracy, and defense spending. I utilized a variety of data, to include longitudinal quantitative data, to serve as proxy measures of human rights and democratic values broadly within Southeast Asian states.

I find support for the hypothesis that corruption and TIP Tier ratings are correlated, which corroborates previous research (Bales 2006). The study found that democratic states are more likely to ratify international human rights laws and conventions than less democratic states, which was anticipated. More surprising was the finding that outlier states, specifically smaller states that do not conform to this hypothesis, might be better predicted by their per capita wealth or poverty than by their type of government. This finding may indicate that economically poor states view international human rights regimes as offering greater upside opportunity within the international community, with limited downside risk, similar to Taleb's model of antifragility (2012). Such upside and downside calculations may indicate that poor states view international instruments as useful mechanisms to gain legitimacy, while their relative lack of resources provides some marginal explanation when they are held to account for failing to uphold those same commitments. Future research might apply this hypothesis to an adaptation of Taleb's model of antifragility.

Likewise, I found support for the hypothesis that states with more robust human rights regimes will have higher TIP Tier ratings. More broadly, this chapter supports the association of democracy, human rights, and national security.

I found strong quantitative support for the hypothesis that democracy can be predicted based upon the human rights record of a state. This model indicates that having a democratic government is a reliable predictor of TIP Tier rating 81% of the time. The model is statistically significant. The quantitative analysis proved statistically significant and robust. Measuring democracy is difficult; scholars disagree on how best to measure or define democracy, and these measures are contentious and difficult to quantify. Nevertheless, scholars and political leaders, including political and social scientists, economists, and

historians, have for decades linked democracy with human rights (Lipset 1959; Hirschman 1978; Vanhanen 2003; Ferguson 2011; Marshall and Gurr 2013). This finding is important because it supports the broader thesis that human trafficking is a national security threat, and lends credibility to the emphasis the United States places on diplomatic support for democratic institutions throughout the world. Further research will benefit from broadening the data set to include other regions, and to gain a greater longitudinal analysis. Additional measures of democracy applied to this model will further strengthen the analysis, as will additional structured and focused case studies.

The field of study will benefit from further research on the correlation between human rights, democratic institutions, and national security. Specifically, Avery and Forsythe's 1979 study could be replicated, by quantitatively analyzing the 112th and 113th Congresses and their roll call votes on their human trafficking and national security bills. During this period, multiple border security and immigration bills were debated and voted on, which may serve as proxies for national security, much like human trafficking bills would serve as proxies for the broader policy field of human rights.

The findings of this study require further research, but provide insight into effective policies and diplomatic engagement vis-à-vis human rights norms and institution building, especially where human rights issues converge with national security concerns. Human trafficking is destabilizing and undermines democracy and state sovereignty, which is an issue that every government should find compelling. This confluence of human rights and national security must be broadly acknowledged and understood if we expect elected leaders to shape policy that will effectively address both concerns.

References

- Abbott, Karen. 2007. *Sin in the Second City: Madams, Ministers, Playboys, and the Battle for America's Soul*. New York: Random House.
- Al-Alawi, Irfan. 2011. "Indonesia Bans Labor to Saudi Arabia After Beheading of Grandmother." August 15. <http://www.gatestoneinstitute.org/2347/saudi-beheading-grandmother> (May 26, 2014).
- Allison, Graham. 1969. "Conceptual Models and the Cuban Missile Crisis." *American Political Science Review* 63(3): 689-718.
- Allison, Graham. 2004. "How to Stop Nuclear Terror." *Foreign Affairs* 83(1): 64-74.
- Allison, Graham, and Robert D. Blackwill. 2013. *Lee Kuan Yew: The Grand Master's Insights on China, the United States, and the World*. Cambridge: The MIT Press.
- Allred, Keith J. 2006. "Combating Human Trafficking." *NATO Review*.
http://www.nato.int/docu/review/2006/Invokation-Article-5/Combating_human_trafficking/EN/index.htm (May 2, 2015)
- Amador, Julio S. III. 2010. "ASEAN in the Asia Pacific: Central or Peripheral?" *Asian Politics & Policy* 2(4): 601-616.
- Arase, David. 2010. "Non-Traditional Security in China-ASEAN Cooperation: The Institutionalization of Regional Security Cooperation and the Evolution of East Asian Regionalism." *Asian Survey* 50(4): 808-833.
- ASEAN. 2007. *Charter of the Association of Southeast Asian Nations*. Jakarta: ASEAN Secretariat.
- ASEAN. 2009. *ASEAN Intergovernmental Commission on Human Rights: Terms of Reference*. Jakarta: ASEAN Secretariat.

- ASEAN. 2011. "Press Release of the Fourth ASEAN Intergovernmental Commission on Human Rights." February 14. <http://www.asean.org/news/asean-statement-communicues/item/press-release-of-the-fourth-asean-intergovernmental-commission-on-human-rights-solo-indonesia-10-13-february-2011> (February 24, 2014).
- ASEAN. 2012. "ASEAN Human Rights Declaration." November 19. <http://www.asean.org/news/asean-statement-communicues/item/asean-human-rights-declaration> (November 6, 2013).
- ASEAN News. 2012. "Critics Slam Adoption of 'Flawed' ASEAN Rights Declaration." November 19. <http://www.aseannews.net/critics-slam-adoption-of-flawed-asean-rights-declaration/> (February 24, 2014).
- Asian Tribune. 2012. "Total Reform Is Needed to Make AICHR Independent, Effective and Relevant to the ASEAN Peoples." April 27. <http://www.asiantribune.com/news/2012/04/26/total-reform-needed-make-aichr-independent-effective-and-relevant-asean-peoples> (February 24, 2014).
- Asplund, Knut D. 2009. "Resistance to Human Rights in Indonesia: Asian Values and Beyond." *Asia-Pacific Journal on Human Rights and the Law* 10(1): 27-47.
- Avendasora, Deidra D. 2012. "Travel Diary: Secretary Clinton Makes Historic First Visit to Brunei Darussalam." September 7. <http://blogs.state.gov/stories/2012/09/07/travel-diary-secretary-clinton-makes-historic-first-visit-brunei-darussalam> (December 11, 2013).
- Avery, William P., and David P. Forsythe. 1979. "Human Rights, National Security, and the U.S. Senate: Who Votes For What, and Why." *International Studies Quarterly* 23 (June): 303-320.

- Baik, Tae-Ung. 2012. *Emerging Regional Human Rights Systems in Asia*. New York: Cambridge University Press.
- Baker, James E. 2007. *In the Common Defense: National Security Law for Perilous Times*. New York: Cambridge University Press.
- Bales, Kevin. 1999. *Disposable People: New Slavery in the Global Economy*. Berkeley: University of California Press.
- Bales, Kevin. 2005. *Understanding Global Slavery: A Reader*. Berkeley: University of California Press.
- Bales, Kevin. 2005. "Tracking Modern Day Slavery." *National Institute of Justice Journal* 252 (July): 29-30.
- Bales, Kevin. 2006. "Testing a Theory of Modern Slavery." Presented at the Yale Gilder Lehrman Center for the Study of Slavery, Resistance, and Abolition, New Haven.
- Bales, Kevin, and Ron Soodalter. 2009. *The Slave Next Door: Human Trafficking and Slavery in America Today*. Berkeley: University of California Press.
- Bales, Kevin, and Austin Choi-Fitzpatrick. 2012. "The Anti-Slavery Movement: Making Rights Reality." In *From Human Trafficking to Human Rights: Reframing Contemporary Slavery*, eds. Alison Brysk and Austin Choi-Fitzpatrick. Philadelphia: University of Pennsylvania Press, 195-216.
- Bales, Kevin. 2013. "Free the Slaves." <http://www.freetheslaves.net/> (October 7, 2013).
- Barone, Michael, and Chuck McCutcheon. 2011. *The Almanac of American Politics 2012: The Senators, the Representatives and the Governors: Their Records and Election Results, Their States and Districts*. Chicago: University of Chicago Press.

Barone, Michael, and Chuck McCutcheon. 2013. *The Almanac of American Politics 2014*.

Chicago: University of Chicago Press.

Batstone, David. 2007. *Not For Sale: The Return of the Global Slave Trade- and How We*

Can Fight It. New York: Harper Collins.

BBC. 2011. "Indonesia to outline priorities for ASEAN at foreign ministers' meeting."

BBC. 2012. "ASEAN Nations Fail to Reach Agreement on South China Sea." July 13.

<http://www.bbc.co.uk/news/world-asia-18825148> (May 2, 2015).

Belser, Patrick. 2005. "Forced Labor and Human Trafficking: Estimating the Profits."

Cornell University ILR School.

<http://digitalcommons.ilr.cornell.edu/cgi/viewcontent.cgi?article=1016&context=forcedlabor> (May 2, 2015).

Bower, Ernest Z. 2012. "China Reveals Its Hand on ASEAN in Phnom Penh." July 20.

<http://csis.org/publication/china-reveals-its-hand-asean-phnom-penh> (December 11, 2013).

Brems, Eva. 2003. "The Margin of Appreciation Doctrine of the European Court of Human Rights." In *Human Rights and Diversity: Area Studies Revisited*, eds. David P.

Forsythe and Patrice C. McMahon. Lincoln: University of Nebraska Press, 81-110.

Brown, Phillip B. 2010. "USSOCOM's Role in Addressing Human Trafficking."

<http://www.hsdl.org/?view&did=717569> (November 7, 2013).

Brysk, Alison, and Austin Choi-Fitzpatrick. 2012. *From Human Trafficking to Human*

Rights: Reframing Contemporary Slavery. Philadelphia: University of Pennsylvania Press.

Buehler, Michael. 2012. "Countries at the Crossroads 2012: Indonesia."

- <http://www.freedomhouse.org/sites/default/files/Indonesia%20-%20FINAL.pdf>
(February 18, 2014).
- Bulman, Philip. 2008. "Internationalizing' Criminal Justice Research." *National Institute of Justice Journal* 260 (July): 12-14.
- Burke, Carolyn. 2008. "Smuggling Versus Trafficking: Do the U.N. Protocols have it Right?" <http://www.du.edu/korbel/hrhw/researchdigest/trafficking/UNProtocols.pdf>
(May 2, 2015).
- Bush, Michael L. 2000. *Servitude in Modern Times*. Cambridge: Polity Press.
- Bush III, Richard C., Vanda Felbab-Brown, Lex Reiffel, and William M. Wise. 2013. "Governance, Rule of Law and Natural Resources in Indonesia and Lessons for Burma's Transformation." February 7. Presented at the Center for Northeast Asia Policy Studies, Washington D.C.
- C-SPAN. 2013. Senate Session Debate on *Violence Against Women Act*. February 4.
<http://www.c-span.org/video/?310761-1/senate-session> (May 2, 2015).
- Capie, David. 2010. "When Does Track Two Matter? Structure, Agency, and Asian Regionalism." *Review of International Political Economy* 17 (May): 291-318.
- Caplan, Brian. 2013. "Democracy in Singapore."
http://econlog.econlib.org/archives/2013/01/democracy_in_si_1.html (May 26, 2014).
- Cattaneo, Claudia. 2013. "Japan Inc. Shows it Means Business in Canada."
http://business.financialpost.com/2013/09/24/japan-inc-shows-it-means-business-in-canada/?__lsa=bbc3-6e61 (December 4, 2013).
- Chau, Andrew. 2008. "Security Community and Southeast Asia: Australia, the U.S., and ASEAN's Counter-Terror Strategy." *Asian Survey* 48(4): 626-649.

- Chongkittavorn, Kavi. 2011. "Can Indonesia turn Asean into a global player?" January 10.
<http://www.nationmultimedia.com/2011/01/10/opinion/Can-Indonesia-turn-Asean-into-a-global-player-30146030.html> (accessed February 20, 2014).
- Chouvy, Pierre-Arnaud. 2013. *An Atlas of Trafficking in Southeast Asia: The Illegal Trade in Arms, Drugs, People, Counterfeit Goods and Natural Resources in Mainland Southeast Asia*. New York: I.B.Tauris.
- Ciorciari, John D. 2012. "Institutionalizing Human Rights in Southeast Asia." *Human Rights Quarterly* 34: 695-725.
- Clapp, Priscilla. 2007. "Building Democracy in Burma." *U.S. Institute of Peace*. July 24
 Working Paper: 1-72. <http://www.usip.org/sites/default/files/July2007.pdf> (May 2, 2015).
- Clinton, Hillary. 2011. "America's Pacific Century." October 11.
http://www.foreignpolicy.com/articles/2011/10/11/americas_pacific_century
 (February 11, 2014).
- Cohen, Laura. 2010. "Human Trafficking as a Human Security Threat: The Cambodian Context." *Perspectives on Global Issues* 4 (Spring).
<http://www.perspectivesonglobalissues.com/archives/spring-2010-security/cambodia/>
 (accessed February 4, 2014).
- Colucci, Lamont. 2013. "U.S. National Security Strategy Must Go Beyond Counterterrorism." January 17. <http://www.usnews.com/opinion/blogs/world-report/2013/01/17/us-national-security-strategy-must-go-beyond-counterterrorism>
 (accessed February 7, 2014).

- Comer, Charles. 2010. "Leahy in Indonesia: Damned if You Do (and Even if You Don't)." *Asian Affairs: An American Review* 37: 53-70.
- Cooper, Robert. 2003. *The Breaking of Nations: Order and Chaos in the Twenty-First Century*. New York: Grove Press.
- Dempsey, Michelle M., Carolyn Hoyle, and Mary Bosworth. 2012. "Defining Sex Trafficking in International and Domestic Law: Mind the Gaps." *Emory International Law Review* 26(1): 137-162.
- DeStefano, Anthony M. 2008. *The War On Human Trafficking: U.S. Policy Assessed*. New Brunswick: Rutgers University Press.
- Deutsche Welle Asia. 2012. "ASEAN adopts controversial human rights declaration." November 18. <http://www.dw.de/asean-adopts-controversial-human-rights-declaration/a-16387552> (accessed December 11, 2013).
- Dimock, Michael, Jocelyn Kiley, Scott Keeter, and Carroll Doherty. 2014. "Political Polarization in the American Public." *Pew Research Center*. June 12. <http://www.people-press.org/files/2014/06/6-12-2014-Political-Polarization-Release.pdf> (May 2, 2015).
- Donnelly, Jack. 2011. "Human Rights." In *The Globalization of World Politics: An Introduction to International Relations (5th Edition)*, eds. John Baylis, Steve Smith, and Patricia Owens. Oxford: Oxford University Press, 494-509.
- Drakeley, Steven. 2005. *The History of Indonesia*. London: Greenwood Press.
- Emmers, Ralf, Beth Greener-Barcham, and Nicholas Thomas. 2006. "Institutional Arrangements to Counter Human Trafficking in the Asia Pacific." *Contemporary Southeast Asia* 28(3): 490-511.

ETAN. 2014. "Indonesia's Militarized Democracy: Candidates Bring Proven Records of Violating Human Rights."

http://www.etan.org/news/2014/ETAN_Indonesia_Militarized_Democracy.pdf (May 17, 2014).

Feingold, David A. 2013. "Trafficking, Trade and Migration: Mapping Human Trafficking in the Mekong Region." In *An Atlas of Trafficking in Southeast Asia: The Illegal Trade in Arms, Drugs, People, Counterfeit Goods and Natural Resources in Mainland Southeast Asia*, ed. Pierre-Arnaud Chouvy. New York: I.B.Tauris, 53-88

Ferguson, Niall. 2005. "Sinking Globalization." *Foreign Affairs* 84(2): 64-77.

Ferguson, Niall. 2011. *Civilization: The West and the Rest*. New York: Penguin.

Fionna, Ulla, and Alexander Arifianto. 2014. "Getting to Know the Contestants of the 2014 Indonesian Parliamentary Elections." March 10.

http://www.iseas.edu.sg/documents/publication/ISEAS_Perspective_2014_14-Contestants_2014_Indonesian_Parliamentary_Elections.pdf (May 2, 2015).

Forstchen, William R. 2009. *One Second After*. New York: Tom Doherty Associates, LLC.

Forsythe, David P. 1988. *Human Rights and U.S. Foreign Policy: Congress Reconsidered*. Gainesville: University of Florida Press.

Forsythe, David P., and Patrice C. McMahon. 2003. "Rights, Practices, and 'Area Studies.'" In *Human Rights and Diversity: Area Studies Revisited*, eds. David P. Forsythe and Patrice C. McMahon. Lincoln: University of Nebraska Press, 297-316.

Forsythe, David P. 2012. *Human Rights in International Relations (3rd Edition)*. New York: Cambridge University Press.

- Fraser, Alison A. 2012. "Federal Spending by the Numbers 2012."
<http://www.heritage.org/research/reports/2012/10/federal-spending-by-the-numbers-2012> (May 2, 2015).
- Freedom House. 2014. *Freedom in the World: The Annual Survey of Political Rights and Civil Liberties 2000-2013*. New Brunswick: Freedom House.
- Frialde, Mike. 2013. "1,000 more MNLF fighters slip into Sabah." April 19.
<http://www.philstar.com/nation/2013/04/19/932540/1000-more-mnlf-fighters-slip-sabah> (May 2, 2015).
- Friedman, George. 2010. *The Next 100 Years: A Forecast for the 21st Century*. New York: Anchor Books.
- Friedrichs, Jörg. 2012. "East Asian Regional Security: What the ASEAN Family Can (Not) Do." *Asian Survey* 52(4): 754-776.
- Galeotti, Mark. 2010. "People-trafficking and Illegal Migration: Not Just Human but International Security Challenges." *Perspectives on Global Issues* 4 (Spring).
<http://www.perspectivesonglobalissues.com/archives/spring-2010-security/trafficking/> (accessed February 4, 2014).
- Gallagher, Anne T. 2011. "Improving the Effectiveness of the International Law of Human Trafficking: A Vision for the Future of the US Trafficking in Persons Reports." *Human Rights Review* 12(1): 1-21.
- Gallucci, Robert L. 2006. "Averting nuclear catastrophe: Contemplating extreme responses to U.S. vulnerability." *Annals of the American Academy of Political and Social Science*, Vol. 607. (September): 51-58.

- George, Alexander. 1979. "Case Studies and Theory Development: The Method of Structured, Focused Comparison." In *Diplomacy: New Approaches in History, Theory, and Policy*, ed. Paul Gordon Lauren. New York: Free Press, 43-68.
- Giraldo, Jeanne, and Harold Trinkunas. 2007. "Transnational Crime." In *Contemporary Security Studies*, ed. A. Collins. Oxford: Oxford University Press, 346-366.
- Grammaticas, Damian. 2011. "Obama's Victory Over China?" November 21. <http://www.bbc.co.uk/news/world-asia-china-15818863?print=true> (December 11, 2013).
- Grygiel, Jakub J. 2011. *Great Powers and Geopolitical Change*. Baltimore: Johns Hopkins University Press.
- Gupta, Sanjeev, Luiz de Mello, and Raju Sharan. 2001. "Corruption and Military Spending." *European Journal of Political Economy* 17(4): 749-777.
- Haass, Richard N. 2013. *Foreign Policy Begins at Home: The Case for Putting America's House in Order*. New York: Basic Books.
- Harknett, Richard J., and James A. Stever. 2011. "The Struggle to Reform Intelligence After 9/11." *Public Administration Review* 71(5): 700-706.
- Harvard Law Review. 2013. Counteracting the Bias: The Department of Labor's Unique Opportunity to Combat Human Trafficking. *Harvard Law Review* 126(4): 1012-1033.
- Hastings, Justin V. 2010. *No Man's Land: Globalization, Territory, and Clandestine Groups in Southeast Asia*. Singapore: National University of Singapore Press.
- Hebert, Laura. 2012. "The Sexual Politics of U.S. Inter/National Security." In *From Human Trafficking to Human Rights: Reframing Contemporary Slavery*, eds. Brysk Alison and Austin Choi-Fitzpatrick. Philadelphia: University of Pennsylvania Press, 86-106.

- Hendrickson, Ryan. 2002. *The Clinton Wars: The Constitution, Congress, and War Powers*. Nashville: Vanderbilt University Press.
- Hirschman, Albert O. 1978. "Exit, Voice, and the State." *World Politics* 31(1): 90-107.
- Hong, Mark. 2000. "U.S. and Asian Views on Human Rights: Prospects for Convergence." In *The United States and Human Rights: Looking Inward and Outward*, ed. David P. Forsythe. Lincoln: University of Nebraska Press, 377-384.
- Honna, Jun. 2012. "Security Challenges and Military Reform in Post-Authoritarian Indonesia: The Impact of Separatism, Terrorism, and Communal Violence." In *The Politics of Military Reform: Experiences from Indonesia and Nigeria*, eds. Jürgen Rüland, Maria-Gabriela Manea, and Hans Born. New York: Springer, 185-199.
- Horowitz, Juliana M., Jacob Poushter, and Cathy Barker. 2011. "Muslim-Western Tensions Persist: Common Concerns About Islamic Extremism." July 21. <http://www.pewglobal.org/2011/07/21/muslim-western-tensions-persist/> (February 14, 2014).
- Howlett, Darryl. 2011. "Nuclear Proliferation." In *The Globalization of World Politics: An Introduction to International Relations (5th Edition)*, eds. John Baylis, Steve Smith, and Patricia Owens. Oxford: Oxford University Press, 382-397.
- Human Smuggling and Trafficking Center. 2005. "Establishment of the Human Smuggling and Trafficking Center: A Report to Congress." <http://www.state.gov/documents/organization/49600.pdf> (February 8, 2014).
- Huntington, Samuel P. 1984. "Will More Countries Become Democratic?" *Political Science Quarterly* 99 (Summer): 193-218.

- Intelligence Reform and Terrorism Prevention Act of 2004. United States Public Laws. 108th Cong., 2nd sess., P.Law 108-458. <http://www.gpo.gov/fdsys/pkg/PLAW-108publ458/html/PLAW-108publ458.htm> (May 2, 2015).
- International Crisis Group. 2001. "Myanmar: The Role of Civil Society." December 6. *International Crisis Group Asia Report 27*. December 6. <http://www.crisisgroup.org/~media/Files/asia/south-east-asia/Myanmar-myanmar/Myanmar%20The%20Role%20of%20Civil%20Society.pdf> (May 2, 2015).
- International Crisis Group. 2009. "Myanmar: Towards the Elections." August 20. *International Crisis Group Asia Report 174*. August 20. http://www.crisisgroup.org/~media/Files/asia/south-east-asia/Myanmar-myanmar/174_myanmar___towards_the_elections (May 2, 2015).
- International Labor Office. 2012. "ILO Global Estimate of Forced Labour: Results and Methodology." http://www.ilo.org/wcmsp5/groups/public/@ed_norm/@declaration/documents/publication/wcms_182004.pdf (February 8, 2014).
- Inter-Parliamentary Union. 1997. "Universal Declaration on Democracy." <http://www.ipu.org/cnl-e/161-dem.htm>. (May 26, 2014).
- Jetschke, Anja. 2011. *Human Rights and State Security: Indonesia and the Philippines*. Philadelphia: University of Pennsylvania Press.
- Kanani, Rahim. 2012. "How to End Sex Trafficking and Modern Day Slavery." January 8. <http://www.forbes.com/sites/rahimkanani/2012/01/08/how-to-end-sex-trafficking-and-modern-day-slavery-with-siddharth-kara/> (February 8, 2014).
- Kaplan, Robert D. 2010. *Monsoon: The Indian Ocean & the Battle for Supremacy in the 21st Century*. New York: Random House.

- Kaplan, Robert D. 2012. *The Revenge of Geography: What the Map Tells Us About Coming Conflicts and the Battle Against Fate*. New York: Random House.
- Kaplan, Robert D. 2014. *Asia's Cauldron: The South China Sea and the End of a Stable Pacific*. New York: Random House.
- Keefer, Sandra L. 2006. "Human Trafficking and the Impact on National Security for the United States." Carlisle Barracks, Pennsylvania: U.S. Army War College.
<http://www.dtic.mil/cgi-bin/GetTRDoc?AD=ADA448573> (May 2, 2015).
- Kek, Peggy. 2012. "ASEAN Must Close Ranks Quickly." August 8.
<http://asiafoundation.org/in-asia/2012/08/08/asean-must-close-ranks-quickly/>
(December 11, 2013).
- Kerwin, Donald, and Margaret D. Stock. 2007. "The Role of Immigration In a Coordinated National Security Policy." *Georgetown Immigration Law School* 21 (Spring): 383-430.
- Kingsbury, Damien. 2011. "Universalism and Exceptionalism in Asia." In *Human Rights in Asia: A Reassessment of the Asian Values Debate*, eds. Leena Avonius and Damien Kingsbury. New York: Palgrave MacMillan.
- Kneebone, Susan, and Julie Debeljak. 2012. *Transnational Crime and Human Rights: Responses to Human Trafficking in the Greater Mekong Subregion*. New York: Routledge.
- Kristensen, Hans M., and Robert S. Norris. 2013. "Russian Nuclear Forces, 2013." *Bulletin of the Atomic Scientists* 69(3): 71-81.
- Leahy, Patrick. 2014. "About Senator Leahy." <http://www.leahy.senate.gov/biography/>
(April 21, 2015).

- Lee, Kuan Yew. 2000. *From Third World to First The Singapore Story: 1965-2000*. New York: HarperCollins Publishers.
- Levi, Michael. 2007. *On Nuclear Terrorism*. Cambridge: Harvard University Press.
- Levine, Stephen. 2007. "Asian Values and the Asia Pacific Community: Shared Interests and Common Concerns." *Politics & Policy* 35(1): 102-135.
- Liddle, R. William, and Saiful Mujani. 2009. "Muslim Indonesia's Secular Democracy." *Asian Survey* 49(4): 575-590.
- Lieber, Keir A., and Daryl G. Press. 2006. "The End of MAD? The Nuclear Dimension of U.S. Primacy." *International Security* 30(4): 7-44.
- Lin, Chun Hung. 2010. "ASEAN Charter: Deeper Regional Integration under International Law?" *Chinese Journal of International Law* 9(4): 821-837.
- Linton, Suzannah. 2008. "ASEAN States, Their Reservations to Human Rights Treaties and the Proposed ASEAN Commission on Women and Children." *Human Rights Quarterly* 30 (May): 436-493.
- Liow, Joseph C. 2011. "Muslim Identity, Local Networks, and Transnational Islam in Thailand's Southern Border Provinces." *Modern Asian Studies* 45(6): 1383-1421.
- Lipset, Seymour M. 1959. "Some Social Requisites of Democracy: Economic Development and Political Legitimacy." *American Political Science Review* 53 (March): 69-105.
- Magnier, Mark. 1991. "ASEAN States Lash Out at West for Tying Human Rights to Trade." July 22. http://www.joc.com/maritime-news/asean-nations-lash-out-west-tying-human-rights-trade_19910722.html (accessed December 1, 2013).

- Majid, Munir. 2012. "Forging a Regional Strategy." In *The New Geopolitics of Southeast Asia (LSE IDEAS Special Reports)*, ed. Nicholas Kitchen. Kindle Edition: London School of Economics, 81-89.
- Manyin, Mark E., Stephen Daggett, Ben Dolven, Susan V. Lawrence, Michael F. Martin, Ronald O'Rourke, and Bruce Vaughn. 2012. "Pivot to the Pacific? The Obama Administration's 'Rebalancing' Toward Asia." March 28. *Congressional Research Service*. March 28. <https://www.fas.org/sgp/crs/natsec/R42448.pdf> (May 2, 2015).
- Marshall, Monty G., and Ted R. Gurr. 2013. "Polity IV Project: Political Regime Characteristics and Transitions, 1800-2013." <http://www.systemicpeace.org/polity/polity4.htm> (May 26, 2014).
- Matthews, Dylan. 2013. "It's official: The 112th Congress was the most polarized ever." January 17. <http://www.washingtonpost.com/blogs/wonkblog/wp/2013/01/17/its-official-the-112th-Congress-was-the-most-polarized-ever/> (April 26, 2015).
- Maunati, Yekti, and Suribidari. 2003. *Politics of Human Rights: The United States and Human Rights Condition in Thailand and Philippines*. Jakarta: Research Center for Regional Resources- The Indonesian Institute of Sciences.
- McCarthy, Stephen. 2012. "Civil Society in Burma: From Military Rule to 'Disciplined Democracy.'" *Griffith Asia Institute-Regional Outlook Paper* No. 37: 1-16.
- McCarty, Nolan. 2014. "What We Know and Don't Know About Our Polarized Politics." January 8. <http://www.washingtonpost.com/blogs/monkey-cage/wp/2014/01/08/what-we-know-and-dont-know-about-our-polarized-politics/> (May 2, 2015).

- McCormick, James M., and Neil J. Mitchell. 2007. "Commitments, Transnational Interests, and Congress: Who Joins the Congressional Human Rights Caucus?" *Political Science Quarterly* 60 (December): 579-592.
- McCormick, James M., ed. 2012. *The Domestic Sources of American Foreign Policy: Insights and Evidence* (6th Edition). Lanham, Maryland: Rowman & Littlefield Publishers, Inc.
- Meissner, Doris. 2013. "A New World of Migration: The Development Challenge." Council on Foreign Relations [Audio podcast]. *Migration Policy Institute*. October 2. Transcript retrieved from <http://www.cfr.org/migration/new-world-migration-development-challenge/p31544> (November 14, 2013).
- Mietzner, Marcus. 2013. "Fighting the Hellhounds: Pro-Democracy Activists and Party Politics in Post-Suharto Indonesia." *Journal of Contemporary Asia* 43 (February): 28-50.
- Miani, Lino. 2011. *The Sulu Arms Market: National Responses to a Regional Problem*. Singapore: Institute of Southeast Asian Studies (ISEAS).
- Mohamad, Maznah. 2002. "Towards a Human Rights Regime in Southeast Asia: Charting the Course of State Commitment." *Contemporary Southeast Asia* 24 (August): 230-251.
- Mohamed, Ahmad S.P., Sulhairil H.H. Sulaiman, Muhammad F. Othman, Mohd A.C.J. Yang, and Hudrus Haron. 2011. "The Phenomenon of Human Trafficking Activities in Southeast Asia." *International Journal of Humanities and Social Science* 1 (September): 168-177.

- Mohan, Mahdev. 2011. "Rule of Law for Human Rights in the ASEAN Region: Synthesis." In *Rule of Law for Human Rights in the ASEAN Region: A Baseline Study*, eds. David Cohen, Kevin Tan Yew Lee, and Mahdev Mohan. Depok, Indonesia: University of Indonesia, 4-31.
- Moore, Carole. 2013. "From Sea to Shining Sea." February 13.
<http://www.officer.com/article/10849624/from-sea-to-shining-sea> (May 2, 2015).
- Moorthy, Ravichandran, and Guido Benny. 2012. "Is an 'ASEAN Community' Achievable? A Public Perception Analysis in Indonesia, Malaysia, and Singapore on the Perceived Obstacles to Regional Community." *Asian Survey* 52(6): 1043-1066.
- Monteiro, Nuno P. 2011. "Unrest Assured: Why Unipolarity Is Not Peaceful." *International Security* 36 (Winter): 9-40.
- Mowatt-Larssen, Rolf. 2011. *Islam and the Bomb: Religious Justification For and Against Nuclear Weapons*. Cambridge, MA: Belfer Center for Science and International Affairs, Harvard Kennedy School.
- Nasu, Hitoshi. 2011. "Regional Integration and Human Rights Monitoring Institution." In *Human Rights in the Asia-Pacific Region: Towards Institution Building*, eds. Hitoshi Nasu and Ben Saul. New York: Routledge, 1-13.
- Nye, Joseph S. 2010. "The Future of American Power: Dominance and Decline in Perspective." *Foreign Affairs* 89(6): 2-12.
- Nye, Joseph. 2013. "Do Presidents Really Steer Foreign Policy?" *Atlantic Monthly* 311 (June): 13-15.

- Obama, Barack. 2010. National Security Strategy. *Government Printing Office*.
https://www.whitehouse.gov/sites/default/files/rss_viewer/national_security_strategy.pdf (May 2, 2015).
- Obama, Barack. 2015. National Security Strategy. *Government Printing Office*.
https://www.whitehouse.gov/sites/default/files/docs/2015_national_security_strategy.pdf (May 2, 2015).
- Østergaard, Anders, Lise Lense-Molle, and Jan Krogsgaard. 2008. *Burma VJ: Reporting from a Closed Country*. Denmark: Oscilloscope Laboratories.
- Parlina, Ina. 2011. "New Army Chief Nixes Nepotism Claims, Defends Appointment." July 1. <http://www.thejakartapost.com/news/2011/07/01/new-army-chief-nixes-nepotism-claims-defends-appointment.html> (May 17, 2014).
- Perlo-Freeman, Sam, and Carina Solmirano. 2014. "Trends in World Military Expenditure, 2013." <http://books.sipri.org/files/FS/SIPRIFS1404.pdf> (May 18, 2014).
- Petcharamesree, Sriprapha. 2009. "The Human Rights Body: A Test for Democracy Building in ASEAN." <http://www.idea.int/resources/analysis/loader.cfm?csmodule=security/getfile&pageid=37839> (May 2, 2015).
- Petersen, Carole J. 2011. "Bridging the Gap? The Role of Regional and National Human Rights Institutions in the Asia Pacific." *Asian-Pacific Law & Policy Journal* 13(1): 174-209.
- Poole-Robb, Stuart, and Alan Bailey. 2002. *Risky Business: Corruption, Fraud, Terrorism and Other Threats to Global Business*. London: Kogan Page.

- Poon, Jessie P.H. 2001. "Regionalism in the Asia Pacific: Is Geography Destiny?" *Area* 33 (September): 252-260.
- Pratt, Andrew N. 2004. "Human Trafficking: The Nadir of an Unholy Trinity." *European Security* 13(1): 55-71.
- Quayle, Linda. 2013. "National and Regional Obligations, the Metaphor of Two-Level Games, and the ASEAN Socio-Cultural Community." *Asian Politics & Polity* 5(4): 499-521.
- Ramcharan, Robin. 2010. "ASEAN's Human Rights Commission: Policy Considerations for Enhancing it's Capacity to Protect Human Rights." *University College London (UCL) Human Rights Review* 3 (October): 199-235.
- Ray, James L. 1989. "The Abolition of Slavery and the End of International War." *International Organization* 43(3), 405-439.
- Renshaw, Catherine S. 2012. "National Human Rights Institutions and Civil Society Organizations: New Dynamics of Engagement at Domestic, Regional, and International Levels." *Global Governance* 18: 299-316.
- Rich, Roland. 2013. *Parties and Parliaments in Southeast Asia: Non-Partisan Chambers in Indonesia, the Philippines and Thailand.* New York: Routledge.
- Richards, David L. 2003. "The Civilizational Geography of Government Respect for Human Rights, 1981-99." In *Human Rights and Diversity: Area Studies Revisited*, eds. David P. Forsythe and Patrice C. McMahon. Lincoln: University of Nebraska Press, 25-58.
- Riedel, Bruce. 2013. *Avoiding Armageddon: America, India, and Pakistan to the Brink and Back.* Washington, D.C.: Brookings Institute Press.

- Rieger, April. 2007. "Missing the Mark: Why the Trafficking Victims Protection Act Fails to Protect Sex Trafficking Victims in the United States." *Harvard Journal of Law & Gender* 30 (Winter): 231-256.
- Rizer, Arthur, and Sheri R. Glaser. 2011. "Breach: The National Security Implications of Human Trafficking." *Widener Law Review* 17(1): 69-94.
- Roller, Emma, and Stephanie Stamm. 2014. "The Best and Worst Attendance Records in the Senate: Some Senators have been Playing Truant." May 7.
<http://www.nationaljournal.com/Congress/the-best-and-worst-attendance-records-in-the-senate-20140507> (April 20, 2015)
- Roller, Emma, and Stephanie Stamm. 2014. "Which Senator Has Passed the Most Laws?" May 16. <http://www.nationaljournal.com/Congress/which-senator-has-passed-the-most-laws-20140516> (April 20, 2015)
- Rosenthal, Terence. 2013. "Los Zetas and Hezbollah, a Deadly Alliance of Terror and Vice." July 10. <http://www.centerforsecuritypolicy.org/2013/07/10/los-zetas-and-hezbollah-a-deadly-alliance-of-terror-and-vice/> (February 7, 2014).
- Rose, Richard, and Doh Chull Shin. 2001. "Democratization Backwards: The Problem of Third-Wave Democracies." *British Journal of Political Science* 31 (April): 331-354.
- Rubio, Marco. 2013. "Rubio Comments on 2013 Trafficking in Persons Report." June 19.
<http://www.rubio.senate.gov/public/index.cfm/2013/6/rubio-comments-on-2013-trafficking-in-persons-report> (May 2, 2015).
- Schweller, Randall L., and Xiaoya Pu. 2011. "After Unipolarity: China's Visions of International Order in an Era of U.S. Decline." *International Security* 36(1): 41-72.

Scowcroft, Brent. 2012. "Global Trends 2030: U.S. Leadership in a Post-Western World."

December 11. <http://www.atlanticcouncil.org/events/past-events/global-trends-2030-luncheon-with-brent-scowcroft-transcript> (February 10, 2014).

Serafino, Nina M., June S. Beittel, Lauren Ploch Blanchard, and Liana Rosen. 2014. "'Leahy Law' Human Rights Provisions and Security Assistance: Issue Overview." January 29. <https://fas.org/sgp/crs/row/R43361.pdf> (May 2, 2015).

Shao, Jia, Plamen Ch. Ivanov, Boris Podobnik, and H. Eugene Stanley. 2007. "Quantitative Relations Between Corruption and Economic Factors." *The European Physical Journal B* 56(2): 157-166.

Sharma, Nandita. 2005. "Anti-Trafficking Rhetoric and the Making of a Global Apartheid." *Johns Hopkins University Press NWSA Journal* 17(3): 88-111.

Shelley, Louise I., John T. Picarelli, Allison Irby, Douglas M. Hart, Patricia A. Craig-Hart, Phil Williams, and Laura Covill. 2005. "Methods and Motives: Exploring Links Between Transnational Organized Crime and International Terrorism." June 23. *U.S. Department of Justice*. <https://www.ncjrs.gov/pdffiles1/nij/grants/211207.pdf> (February 11, 2014).

Shelley, Louise. 2010. *Human Trafficking: A Global Perspective*. New York: Cambridge University Press.

Simon, Sheldon W. 2012. "Conflict and Diplomacy in the South China Sea: The View From Washington." *Asian Survey* 52(6): 995-1018.

Singh, Bilveer. 2007. *The Talibanization of Southeast Asia: Losing the War on Terror to Islamist Extremists*. Westport: Praeger Security International.

- Siers, Rhea. 2007. "The Implications for U.S. National Security." In *Transnational Threats: Smuggling and Trafficking in Arms, Drugs, and Human Life*, ed. Kimberley L. Thachuk. Westport: Praeger Security International, 211-221.
- Sigiro, Atnike N., Haris Azhar, Yap Swee Seng, Yuval Ginbar, Amnesty International, and John Liu. 2012. *A Commission Shrouded in Secrecy: A Performance Report of the ASEAN Intergovernmental Commission on Human Rights 2010-2011*. Bangkok: Asian Forum for Human Rights and Development (FORUM-ASIA).
- Southwick, Katherine G. 2013, January 22. "Bumpy Road to the ASEAN Human Rights Declaration." *Asia Pacific Bulletin, East-West Center* 197: 1-2.
- Stratfor. 2012. "Indonesia Struggles with Political Decentralization." October 28. <http://www.manilatimes.net/index.php/opinion/columnist1/34170-indonesia-struggles-with-political-decentralization> (accessed 13 April 2013).
- SUHAKAM. 2012. *Annual Report 2011: Human Rights Commission of Malaysia*. Kuala Lumpur: Human Rights Commission of Malaysia.
- Swanger, Eugene. 2014. "Asia: Geostrategic Influences." *Regional Studies: Indo-Asia-Pacific*. (January 29) Lecture conducted at Wright-Patterson Air Force Base (WPAFB) during a Defense Institute of Security Assistance Management course, WPAFB, OH.
- Taleb, Nassim N. 2012. *Antifragile: Things That Gain from Disorder*. New York: Random House.
- Tannewald, Nina. 1999. "The Nuclear Taboo: The United States and the Normative Basis of Nuclear Non-Use." *International Organization* 53(3): 433-68.

Telegraph. 2012. "Clinton to Beijing for Talks." September 4.

http://www.lexisnexis.com/lvacui2api/results/docview/docview.do?docLinkInd=true&risb=21_T18816322403&format=GNBFI&sort=BOOLEAN&startDocNo=1&resultsUrlKey=29_T18816322407&cisb=22_T18816322406&treeMax=true&treeWidth=0&csi=389195&docNo=5 (accessed December 9, 2013).

Terada, Takashi. 2011. "ASEAN's Talk Shop Function and US Engagement." August 8.

<http://www.eastasiaforum.org/2011/08/10/asean-s-talk-shop-function-and-us-engagement/> (November 14, 2013).

Thayer, Carl. 2012. "Behind the Scenes of ASEAN's Breakdown." CSIS Asia House. July

26. <http://cogitasia.com/behind-the-scenes-of-aseans-breakdown/> (December 11, 2013).

The New Zealand Herald. 2012. "Clinton Urges Unity on South China Sea." September 4.

http://www.lexisnexis.com/lvacui2api/results/docview/docview.do?docLinkInd=true&risb=21_T18816322403&format=GNBFI&sort=BOOLEAN&startDocNo=1&resultsUrlKey=29_T18816322407&cisb=22_T18816322406&treeMax=true&treeWidth=0&csi=2579v 12&docNo=4 (accessed December 9, 2013).

Turnell, Sean. 2008. "Burma's Insatiable State." *Asian Survey* 48(6): 958-976.

UN Office on Drugs and Crime. 2012. *Global Report on Trafficking in Persons 2012*.

http://www.unodc.org/documents/data-and-analysis/glotip/Trafficking_in_Persons_2012_web.pdf (May 2, 2015).

United Nations. 2000. *Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime*.

http://treaties.un.org/Pages/ViewDetails.aspx?mtdsg_no=XVIII-12-a&chapter=18&lang=en (May 2, 2015).

United Nations. 1948. *Universal Declaration of Human Rights*.

<http://www.un.org/en/documents/udhr/> (May 2, 2015).

United Nations. *Secretary-General, in high-level meeting, urges 'force of human solidarity' to break chain that binds victims to criminals*. 2013.

<http://www.un.org/News/Press/docs/2013/sgsm15019.doc.htm> (May 2, 2015).

U.S. Congress. Tom Lantos Human Rights Commission. 2013. *Human Rights in Burma*. 113th Cong., 1st Sess. 28 February.

U.S. Congress. Senate. Subcommittee on East Asian and Pacific Affairs of the Committee on Foreign Relations. 2011. *Combating Human Trafficking in Asia*. 112th Cong, 1st Sess. 7 April. S. Hrg 112-59.

U.S. Congress. Senate. Committee on the Judiciary. 2011. *Report 112-96, Trafficking Victims Protection Reauthorization Act of 2011*. November 17.

U.S. Congress. Senate. Committee on Intelligence. 2012. *Unclassified Statement for the Record on the Worldwide Threat Assessment of the US Intelligence Community for the Senate Select Committee on Intelligence*. Office of the Director of National Intelligence. <http://www.intelligence.senate.gov/120131/clapper.pdf> (May 2, 2015).

U.S. Congress. Senate. Committee on Intelligence. 2013. *Statement for the Record: Worldwide Threat Assessment of the US Intelligence Community for the Senate Select Committee on Intelligence*. Office of the Director of National Intelligence. <http://www.intelligence.senate.gov/130312/clapper.pdf> (May 2, 2015).

- U.S. Congress. Senate. Committee on Armed Services. 2014. *Statement of Admiral Samuel J. Locklear, U.S. Navy Commander, U.S. Pacific Command: Before the Senate Committee on Armed Services on U.S. Pacific Command Posture*. March 25.
http://www.armed-services.senate.gov/imo/media/doc/Locklear_03-25-14.pdf (May 2, 2015).
- U.S. Department of State. 2001. *Trafficking in Persons Report 2001*.
<http://www.state.gov/documents/organization/4107.pdf> (February 25, 2014).
- U.S. Department of State. 2007. *Trafficking in Persons Report 2007*.
<http://www.state.gov/documents/organization/82902.pdf> (February 25, 2014).
- U.S. Department of State. 2010. *Trafficking in Persons Report 2007*.
<http://www.state.gov/documents/organization/142979.pdf> (February 25, 2014).
- U.S. Department of State. 2012. *Trafficking in Persons Report 2012*.
<http://www.state.gov/j/tip/rls/tiprpt/2012/> (February 25, 2014).
- U.S. Department of State. 2013. *Trafficking in Persons Report 2013*.
<http://www.state.gov/j/tip/rls/tiprpt/2013/> (February 25, 2014).
- U.S. Department of State. 2014. *Trafficking in Persons Report 2014*.
<http://www.state.gov/j/tip/rls/tiprpt/2014/index.htm> (March 29, 2015).
- U.S. White House. Office of the Press Secretary. 2012. "Fact Sheet: East Asia Summit Outcomes." November 20. <http://www.whitehouse.gov/the-press-office/2012/11/20/fact-sheet-east-asia-summit-outcomes> (December 11, 2013).
- U.S. White House. Office of the Vice President. 2014. "1 is 2 Many: Twenty Years Fighting Violence Against Women and Girls." September.

- https://www.whitehouse.gov/sites/default/files/docs/vawa_20_report_final.pdf (May 6, 2015).
- Violence Against Women Reauthorization Act of 2013. 2013. United States Public Laws. 113th Cong., 1st sess., P.Law 113-4, 22 USC § 7101.
- <http://www.gpo.gov/fdsys/pkg/PLAW-113publ4/pdf/PLAW-113publ4.pdf> (February 25, 2014).
- Vadlamannati, Krishna C., and K.K. Shakya L. Pathmalal. 2008. "Exploring the Relationship Between Military Spending & Human Rights Performance in South Asia." *William Davidson Institute Working Paper* Number 941: 1-28.
- Vanhanen, Tatu. 2003. "Polyarchy Dataset: Measures of Democracy 1810-2002."
- <http://www.prio.org/Data/Governance/Vanhanens-index-of-democracy/Polyarchy-Dataset-Manuscript/> (May 26, 2014).
- Victims of Trafficking and Violence Prevention Act of 2000. United States Public Laws. 106th Cong., 2nd sess., P.Law 106-386, 22 USC § 7101.
- <http://www.state.gov/documents/organization/10492.pdf> (May 2, 2015).
- Wade, Robert. 2013. "The Art of Power Maintenance: How Western States Keep the Lead in Global Organizations." *Challenge: The Magazine of Economic Affairs* 56(1): 5-39.
- Waltz, Kenneth N. 2012. "Why Iran Should Get the Bomb." *Foreign Affairs* 91(4): 2-5.
- Warren, James F. 1977. "Slave markets and exchange in the Malay world: The Sulu Sultanate, 1770-1878." *Journal of Southeast Asian Studies* 8(2): 162-175.
- Wheaton, Elizabeth M., Edward J. Schauer, and Thomas V. Galli. 2010. "Economics of Human Trafficking." *IOM International Organization for Migration* 48(4): 114-141.

- Wilhelm, Paul G. 2002. "International Validation of the Corruption Perceptions Index: Implications for Business Ethics and Entrepreneurship Education." *Journal of Business Ethics* 35(3): 177-189.
- Willetts, Peter. 2011. "Transnational Actors and International Organizations in Global Politics." In *The Globalization of World Politics: An Introduction to International Relations (5th Edition)*, eds. John Baylis, Steve Smith, and Patricia Owens. Oxford: Oxford University Press, 326-342.
- William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008. United States Public Laws. 110th Cong., 2nd Sess. Pub. L. 110-457, 22 USC § 7101.
- Wyler, Liana S., and Alison Siskin. 2010. "Trafficking in persons: U.S. policy and issues for Congress." February 19. *Congressional Research Service*.
<https://fas.org/sgp/crs/misc/RL34317.pdf> (May 2, 2015).
- World Bank. 2014. *World Development Indicators 2014*.
<http://data.worldbank.org/sites/default/files/wdi-2014-book.pdf> (May 2, 2015).
- World Bank. 2012. World Development Indicators 2012. *GNI per capita, Atlas method*.
<http://data.worldbank.org/indicator/NY.GNP.PCAP.CD> (May 2, 2015).
- Wotipka, Christine M., and Kiyoteru Tsutsui. 2008. "Global Human Rights and State Sovereignty: State Ratification of International Human Rights Treaties, 1965-2001." *Sociological Forum* 23 (December): 724-754.
- Young, Oran R. 1982. "Regime dynamics: The rise and fall of international regimes." *International Organization* 36 (March): 277-297.
- Young, Oran R. 2012. "Arctic Tipping Points: Governance in Turbulent Times." *AMBIO* 41: 75-84.

Zakaria, Fareed. 2002. "Asian Values." *Foreign Policy* 133 (Nov. – Dec.): 38-39.

Zelikow, Philip, Bonnie D. Jenkins, Ernest R. May. 2004. *The 9/11 Commission Report*. New York: W.W. Norton & Company.